1 Motion for Leave to File Complaint, Complaint and Brief in Support of Motion

2 Opposition to Motion for Leave to File Complaint Against the State of Louisiana, and Brief in Support of Opposition

3 Memorandum for the United States in Reply to Louisiana's Brief in Opposition to Motion for Leave to File Complaint

4 Motion for Injunction and Brief in Support of Motion

5 Memorandum for the United States on Maintenance of Status Quo

6 Motion to Dismiss, and Defendant's Opposition to Plaintiff's Motion for Injunction, with Supporting Brief

7 Motion to Dismiss on Jurisdictional Grounds

8 Motion for Entry of Default and for Leave to Proceed ex parte and Brief in Support of Motion

9 Brief for the United States in Opposition to Defendant's Motion to Dismiss on Jurisdictional Grounds

10 Reply Brief of the State of Louisiana on Motion to Dismiss on Jurisdictional Grounds

11 Opposition to Plaintiff's Motion for Entry of Default and for Leave to Proceed ex parte and Supporting Brief

12 Application by Anderson-Prichard Oil Corporation, Lessee of Both Parties, for Extraordinary Relief and for Amendment or Interpretation of Decree

13 Brief in Support of Application by Anderson-Prichard Oil Corporation, Lessee of Both Parties, for Extraordinary Relief and for Amendment or Interpretation of Decree

14 Motion to Dismiss as Moot Application of Anderson-Prichard Oil Corporation for Extraordinary Relief and for Amendment or Interpretation of Decree and Memorandum in Support of Motion

15 Answer of the State of Louisiana

16 Motion by the State of Louisiana to Take Depositions

17 Motion for Judgment and Statement with Respect to Motion

18 Memorandum for the United States in Opposition to Motion by the State of Louisiana to take Depositions

19 Reply to the Motion for Judgment and to the Opposition of the United States to Louisiana's Motion to Take Depositions

20 Motion for Leave to File Intervention, Brief in Support of Motion, and Intervenors' Answer

21 Brief for the United States in Support of Motion for Judgment

22 Memorandum for the United States in Opposition to the Motion of the Parishes of St. Bernard, Plaquemines, Jefferson, Iberia and St. Mary for Leave to File Intervention

23 Memorandum for Intervenors in Answer to Opposition Memorandum by the United States

24 Brief of the State of Louisiana in Opposition to Motion for Judgment by the United States

25 Appendix to Brief on Behalf of the State of Louisiana

26 Motion for Reconsideration of Order Denying Right of Intervention, and Supporting Brief in Answer to U.S. Brief for Judgment

27 Reply of the State of Louisiana to Brief of the United States on Motion for Judgment

28 Brief for the United States in Reply to Louisiana's Opposition to Motion for Judgment, and in Opposition to Louisiana's Motion to Take Depositions

29 Memorandum for the United States Regarding the Motion of the State of Texas for Leave to File a Brief as Amicus Curiae

30 Motion for Leave to File and Brief of the State of Texas, Amicus Curiae

31 Memorandum for the State of Louisiana Regarding the Motion of the State of Texas for Leave to File a Brief as Amicus Curiae, and the Memorandum by the United States in Response Thereto

32 Intervention of the State of Alabama with Supporting Brief

33 Amended Complaint and Statement with Respect to Amended Complaint

34 Separate Answer of the State of Mississippi to Amended Complaint

35 Answer of Defendant the State of Texas to Second Cause of Action

36 Defenses to Amended Complaint

37 Answer of the State of Louisiana to the Amended Complaint

38 Motion for Pretrial Conference and Statement in Support of Motion

39 Answer and Cross-Bill of State of Alabama to Amended Complaint

40 Motions for Judgment and for Dismissal of Cross-Bill Filed by the State of Alabama, and Memorandum in Support of Motions and in Response to Defendants' Motion for Pretrial Conference

41 Answer of the State of Texas to the Motion of the U.S. for Judgment; Motion for Leave to Take Evidence; Motion for Severance and for Separate Trial and Argument; and Statement in Support of Motions and in Reply to Response of the U.S. to Motion for Pretrial Conference

42 Answer of the State of Florida to the Motion of the U.S. for Judgment; Motion for Leave to Take Evidence; and Statement in Support of Motions and in Reply to Response of the United States to Motion for Pretrial Conference

43 Answer of the State of Louisiana to the Motion of the United States for Judgment

44 Answer of Alabama to Motion of United States for Judgment and Motion to Dismiss Cross-Bill

45 Answer of the State of Mississippi to the Motion of the U.S. for Judgment; Motion for Leave to Take Evidence; and Statement in Support of Answer and Motion

46 Memorandum for the United States in Opposition to Motions for Leave to Take Evidence and for Severance

47 Joint Memorandum of the States of Louisiana, Texas, Mississippi, Alabama, and Florida Pertaining to Schedule for Filing of Briefs and Order of and Allotment of Time for Oral Argument

48 Brief for the United States in Support of Motion for Judgment on Amended Complaint

49 Brief for the State of Alabama in Opposition to Motion for Judgment on Amended Complaint

50 Joint Brief for the Defendant States on Common Questions

51 Brief of the State of Texas

N.B. No "Key" numbers will be assigned to briefs filed after August 13, 1958. They shall be introduced by title targets.

Treaties and declarations to this effect have been made by the United States over a long period of time and include among others the following:

Treaty with Spain of February 22, 1819, 8 Stat. 252,

Treaty with Mexico of January 12, 1828, 8 Stat. 372,

Resolution of Congress recognizing independence of Texas, March 1, 1837, Cong. Globe, 24th Cong. 2d Sess. 270,

Joint Resolution of Congress annexing State of Texas, March 1, 1845, 5 Stat. 797,

Treaty of Guadalupe Hidalgo between the United States and Mexico, February 2, 1848, 9 Stat. 922, 923,

Gadsden Treaty with Mexico, December 30, 1853, Cong. Globe, 33rd Cong. 1st Sess. 1568, 10 Stat. 1031,

Act of Congress approving the Constitution of the State of Florida, February 25, 1868, 15 Stat. 73.

3. The above described treaties with the Republic of Mexico in which the parties agreed that the boundaries of the respective nations extended three leagues into the Gulf of Mexico have been reaffirmed and readopted on numerous occasions, including the following:

Boundary Convention with Mexico, Concluded July 29, 1882, Ratified by Senate, August 8, 1882, Proclaimed March 5, 1883;

Boundary Convention with Mexico, Concluded March 1, 1889, Ratified by Senate May 7, 1890, Proclaimed December 26, 1890;

Boundary Convention with Mexico, Concluded March 20, 1905, Ratified by Senate, February 28, 1907, Proclaimed June 5, 1907;

Letter from Department of State to Ambassador Daniels dated May 23, 1936, relative to Mexico's claim to jurisdiction three leagues into the Gulf of Mexico, Department of State files 812.0145/16, Hackworth's Digest of International Law, Vol. 1, pages 639-642.

4. Said treaties and conventions fixing the boundaries of the coastal States in the Gulf of Mexico three leagues seaward have been accepted by the family of nations and specifically recognized by the great maritime nations of the world since Louisiana was admitted to the Union in 1812.

5. If the Court should overrule Louisiana's pleas of unconstitutionality directed to the provisions of the Submerged Lands Act and of the Outer Continental Shelf Lands Act to the extent that they limit the State's boundaries to 3 leagues from coast in the Gulf of Mexico, then in the alternative Louisiana shows that pursuant to Article IV of the Constitution and the principles on which the nation has been founded, the State of Louisiana is entitled to sovereignty on an equal footing with the States of Texas and Florida whose boundaries are recognized as 3 leagues seaward in the

Gulf of Mexico and other States bordering said Gulf whose boundaries extend at least that far.

United States v. Texas, 339 U.S. 707, 94 L. Ed. 1221

FIFTH DEFENSE

1. Acting in conformity with and under its fee simple title and sovereignty and, at all times herein material, since the admission of Louisiana into the Union in 1812, the State has exercised continuous, undisturbed and unchallenged sovereignty over, and has had open, complete, notorious, peaceful, unquestioned, undisturbed, exclusive and unchallenged possession of all the lands, minerals and other things underlying the Gulf of Mexico within the area described in the complaint; and such sovereignty and possession have been, and are now being exercised and maintained subject to, consistently with, and with full recognition of the Constitutional powers of the United States; and as a result of the exercise of such sovereignty and exclusive possession by the State of Louisiana for more than one hundred years after the admission of the State into the Union in 1812 there has existed the general conviction and agreement that Louisiana has possessed, and now has territorial jurisdiction and sovereignty over, and fee simple title to the said lands, minerals and other things in said area, and a conclusive presumption of such title results therefrom.

2. Sovereignty over and possession of said submerged lands and resources has consisted of the passing

and enforcing of laws regulating fishing, trawling and dredging of said submerged lands, the granting of leases for the cultivation, propagation and taking of oysters, fish and shrimp, for the dredging and removal of sand, gravel and shells, and for the leasing and development of said lands for oil, gas and other minerals. For such purposes the State has organized, maintained and operated a State Land Office, a Department of Conservation, a Department of Wild Life & Fisheries, a Mineral Board, a Stream Control Commission, and other State agencies to exercise continual jurisdiction and supervision over said lands for said purposes. Certain of said agencies have maintained fleets of boats and watercraft and equipment, and employed necessary personnel to adequately police said areas, to regulate activities of State lessees and licensees therein, and all of said agencies have administered and enforced Louisiana's laws and police regulations relating thereto as they respectively applied to such agencies. By reason of such undisputed and exclusive possession and continuous sovereign jurisdiction over said lands, from time immemorial, Louisiana has in any event a prescriptive right to the lands, minerals and other things underlying the Gulf of Mexico, and the United States has no right or title thereto.

3. The United States, prior to the discovery of oil and gas under said lands, brought about by the efforts of the State of Louisiana, its agents and lessees,

has never asserted or claimed, nor have the federal executive, legislative or judicial departments ever believed or asserted that the United States possessed any proprietary right, title or interest in the lands, resources and other things underlying the waters of the Gulf of Mexico, and the present claim of the United States thereto is one made in its proprietary as distinguished from its governmental capacity. In view of the Law of Nations on this subject and the decisions of this Court relating thereto, there is a conclusive presumption that plaintiff has no title or proprietary rights in said lands which have been in the physical and exclusive possession of the defendant from time immemorial.

SIXTH DEFENSE

1. The United States has on numerous occasions, and over a great period of time, recognized Louisiana's title and proprietary rights of ownership and possession of said lands, and has requested the Chief Executive of the State to secure the passage of laws which would permit the federal government to acquire sites therein for game and fish preserves and for light houses, jetties and other aids to navigation. Pursuant to said requests, the Legislature of Louisiana has from time to time, during the 144 years of its existence as a state of the Union, passed such laws and permitted grants of sites to the United States in the Gulf of Mexico on the continental shelf for such purposes. Accordingly, the plaintiff has acquiesced in, and by its

conduct from time immemorial recognized Louisiana's title and possession of said lands, and disclaimed any federal interest therein other than for the purposes of commerce, navigation and National Defense, which are the only powers or rights granted to plaintiff by the United States Constitution in the waters in the Gulf of Mexico, none being granted in the lands underlying the waters thereof.

2. By reason of the foregoing, the United States has acquiesced in Louisiana's title and ownership of the submerged lands referred to in its complaint. Plaintiff is therefore estopped to assert any contrary claim.

3. In any event the acts of the plaintiff, set forth hereinabove, constitute evidence of the intent of Congress in describing Louisiana's boundaries as "including all islands within three leagues of its coast," and are interpretive of the Act of Congress admitting Louisiana to the Union to mean that Louisiana has title to the waters, submerged lands and resources lying seaward from its coast as hereinabove set forth.

SEVENTH DEFENSE

Plaintiff and defendant have both from time immemorial interpreted and applied the Act of Congress admitting Louisiana to the Union as including within Louisiana's boundaries the marginal seas and lands and resources thereunder as shown hereinabove, and relying on such interpretation and application of the

statute, Louisiana has for many years expended large sums of money for the administration, regulation and conservation of the fish, oysters, shrimp and natural resources in the Gulf of Mexico and its submerged lands, and the State has incurred debt and issued obligations for purposes of education, the building of highways, bridges, hospitals, and other facilities for the promotion of the welfare of its people and for the retirement of the public debt. By reason of plaintiff's long continued acquiescence and acknowledgment of Louisiana's right and title to said seas, submerged lands and resources, and defendant's reliance thereon to its detriment, plaintiff is now estopped to deny Louisiana's title and right of possession thereto.

EIGHTH DEFENSE

1. In the event that this Court does maintain and affirm that the United States has a right to sue the State of Louisiana without its consent concerning the matters set forth in the complaint, then defendant shows that the cause should not be determined in piecemeal fashion, but should be completely disposed of by taking evidence not only to determine the extent of the marginal belt owned by the State in the Gulf of Mexico, but by the taking of evidence to determine also the location of Louisiana's coast line, so as to adjudicate precisely the inner and outer limits of the submerged lands owned by the State.

2. Further answering, the defendant shows that a determination of the questions presented by the

complaint as to the extent of the territorial seas and submerged lands belonging to Louisiana and a determination of the outer and inner boundaries of said area will require the taking of evidence and the introduction of foreign maps, charts, treaties, official and historical documents and records of the State of Louisiana, including those of the State Land Office, the Department of Conservation, and the State Mineral Board and other State offices and agencies, as well as the oral testimony of witnesses. The defendant has heretofore taken the testimony of Dr. James P. Morgan relating to the historical boundaries of Louisiana, in Docket No. 14, Original, October Term, 1955, *In The Matter Of The Perpetuation Of The Testimony of Dr. James P. Morgan*, which said evidence is on file in this Court, and additional evidence will be offered by the State of Louisiana as to both the outer and inner limits of the submerged lands belonging to Louisiana in the Gulf of Mexico.

3. If the Court should find that Louisiana's boundaries should be measured from its shore line, which defendant denies, then Louisiana shows that the shallowness of the sea, the many islands, bays, inlets, and the irregular indentations in its shore line together with the frequent changes in the location of said shore line, would make it necessary that such base-line run from headland to headland and by straight lines from the outermost islands and headlands, all of which will require the taking of the testimony of witnesses.

4. Section 4 (b) of the Outer Continental Shelf Lands Act confers original jurisdiction in the United States District Courts over controversies of this kind involving rights to the natural resources and the submerged lands of the Continental Shelf, and defendant shows that the issues here involved can be more appropriately and conveniently heard and determined in such a Court. Defendant accordingly moves that this Court transfer this cause to a United States District Court in Louisiana for trial.

WHEREFORE, defendant prays that this cause be transferred to a United States District Court in Louisiana for hearing and trial concerning the issues raised by the complaint and by the answer herein. In the event that this Court asserts and exercises original jurisdiction in this cause, then Louisiana prays that after due hearing and trial its defenses set forth in the above and foregoing answer be sustained and the demand of the plaintiff be rejected; that Louisiana be decreed to be the owner of the subsoil, seabed and mineral resources of the Continental Shelf lying seaward of the shores of the State in the Gulf of Mexico; that plaintiff be enjoined from trespassing thereon or interfering with the rights of Louisiana thereto and requiring the United States to account for all minerals and other things of value taken therefrom and for all sums of money received therefrom, including all lease bonuses, rentals, royalties and other payments.

Defendant further prays for all orders and decrees necessary and proper in the premises and for full, general and equitable relief.

HUGH M. WILKINSON,
New Orleans, La.

MORRIS WRIGHT,
New Orleans, La.

VICTOR A. SACHSE,
Baton Rouge, La.

JAMES R. FULLER,
Baton Rouge, La.

MARC DUPUY, JR.,
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OF COUNSEL

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Special Asst. Atty. Gen.

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Special Asst. Atty. Gen.

JOHN L. MADDEN,
Special Asst. Atty. Gen.

BAILEY WALSH,
Special Counsel

PROOF OF SERVICE

I, _____, one of the attorneys for the State of Louisiana, defendant herein, and a member of the Bar of the Supreme Court of the United States, certify that on the _____ day of _____, 1956, I served copies of the foregoing Answer of the State of Louisiana, by leaving copies thereof at the offices of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C.

_____

Of Counsel

FILED
DEC 4 1956
JOHN T. FEY, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

No. 10 Original

UNITED STATES OF AMERICA,
Plaintiff

VS.

STATE OF LOUISIANA

MOTION BY THE STATE OF LOUISIANA TO TAKE DEPOSITIONS

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JAMES R. FULLER,
Baton Rouge, La.

MARC DUPUY, JR.,
Baton Rouge, La.
OF COUNSEL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

NO. 11 ORIGINAL

UNITED STATES OF AMERICA,
Plaintiff

VS.

STATE OF LOUISIANA

MOTION BY THE STATE OF LOUISIANA TO TAKE DEPOSITIONS

TO THE HONORABLES, THE CHIEF JUSTICE OF THE UNITED STATES AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

Now comes the State of Louisiana, Defendant herein, through its Attorney General, and other designated counsel, and shows unto this Honorable Court:

I.

United States has filed its complaint herein for a declaration of its rights as against the State of Louisiana in the lands, minerals and other things underlying the Gulf of Mexico, lying more than three geographic miles seaward from the ordinary low

water mark and from the outer limit of inland waters on the coast of Louisiana extending seaward to the edge of the Continental Shelf, said complaint being docketed as No. 15, Original, October Term, 1955.

II.

In response to the foregoing complaint the State of Louisiana has filed its answer bearing Docket No. 11, Original, October Term, 1956, wherein various defenses of law and of fact are set forth involving the taking of testimony of witnesses and the introduction of documents and records in evidence relating to the extent of historic boundaries of the State of Louisiana seaward in the Gulf of Mexico, all of which will more fully appear in the said answer. In its said answer, Defendant moved that this cause be transferred to a United States District Court in Louisiana for hearing and trial concerning the issues raised by the complaint and by the answer, and in the alternative prayed that if this Court asserts and exercises original jurisdiction herein that a due hearing and trial of the defenses set forth in the said answer be had and that Louisiana be decreed to be the owner of the sub-soil, seabed and mineral resources of the Continental Shelf lying seaward of the shores of the State in the Gulf of Mexico, and that Plaintiff be enjoined from trespassing thereon or from interferring with the rights of Louisiana thereto.

III.

Reserving its rights under its motion to transfer this cause to the District Court for hearing and

trial, Louisiana shows that under the provisions of Rule 9 of this Court, and pursuant to Rule 26 of the Federal Rules of Civil Procedure, it is entitled to take depositions upon oral examination for the purpose of discovery or for use as evidence in the pending action, or for both purposes. While the Federal Rules of Civil Procedure permit the taking of such depositions without leave of Court, Defendant nevertheless desires an Order from this Court recognizing its right to do so, and permitting it to take depositions on oral examination of the following named witnesses:

JAMES N. MCCONNELL
Chief, Water Bottoms, Oysters & Seafoods Division
Louisiana Wild Life & Fisheries Commission
Civil Courts Building
Royal Street
New Orleans, Louisiana

CAPT. L. R. CABIRAC
Member Enforcement Division
Louisiana Wild Life & Fisheries Commission
Civil Courts Building
Royal Street
New Orleans, Louisiana

R. L. EDDY
Former Chief, Commercial Seafoods Division
Louisiana Wild Life & Fisheries Commission
Covington, Louisiana

JOHN B. HUSSEY
Commissioner of Conservation
Louisiana Department of Conservation
State Capitol
Baton Rouge, Louisiana

LUCILLE MAY GRACE
Register of State Lands
Louisiana State Land Office
State Capitol
Baton Rouge, Louisiana

DR. MARTIN WRIGHT
Research Associate
Coastal Studies Institute
Geology Building
University Station
Baton Rouge, Louisiana

H. ROGER HUNTER, JR.,
Supervisor of Revenue
Louisiana Wild Life & Fisheries Commission
Civil Courts Building
New Orleans, Louisiana

JULIUS L. BOOK
Captain, Enforcement Division
Louisiana Wild Life & Fisheries Commission
Civil Courts Building
New Orleans, Louisiana

WILLIAM S. WERLLA
Former Assistant Director and Supervisor of Revenues
Louisiana Wild Life & Fisheries Commission
1014 Royal Street
New Orleans, Louisiana

C. J. BONNECARRERE
Secretary, State Mineral Board
State Capitol Building
Baton Rouge, Louisiana

LEO W. HOUGH
State Geologist
Geology Building
Louisiana State University
University Station
Baton Rouge, Louisiana

DR. JAMES P. MORGAN
Associate Professor of Geology
Louisiana State University
Managing Director of the Coastal Studies Institute of L. S. U.
Geology Building
University Station
Baton Rouge, Louisiana

DR. EDWIN A. DAVIS
Head Department of History
Louisiana State University
Hines Hall
University Station
Baton Rouge, Louisiana

JOHN CARLOS DEARMAS, JR.
Parish Engineer, Plaquemines Parish, Louisiana
8004 Hickory Street
New Orleans, Louisiana

In addition to the depositions of said witnesses, Defendant will offer in evidence various international treaties, conventions, maps, State records, and other documents and data relating to, or bearing on Louisiana's boundaries, and title to its submerged lands, lying seaward in the Gulf of Mexico.

IV.

Louisiana shows that it desires to take the said depositions upon oral examination at the earliest practical date which is convenient for the counsel of the United States and for the State of Louisiana, and desires to take the said depositions in the Cities of New Orleans and Baton Rouge, Louisiana for the reason that all of said witnesses reside in or near the said Cities. In this connection, Defendant shows that the taking of said depositions in Washington or outside of the State of Louisiana would result in great expense, annoyance and inconvenience to the Defendant and to the said witnesses, several of whom are not in the employ of the Defendant and could not be compelled to go to some distant point for the taking of their testimony. In addition thereto, Defendant shows that the testimony of the said witnesses would involve the use of State records which are located in New Orleans, Louisiana and in Baton Rouge, Louisiana, which said records could not be conveniently transported to any distant point.

V.

Louisiana expects to establish by the proposed depositions the extent of its historic boundaries in

the Gulf of Mexico, the possession, jurisdiction, and control exercised by the State of Louisiana over the submerged lands and waters adjacent to the shores of the State in the Gulf of Mexico and extending to the limits of the Continental Shelf, the location of Louisiana's shoreline in the Gulf of Mexico prior to or at the time the State was admitted into the Union, the nature of the shoreline, islands, bays, and so forth and other facts more specifically set forth in the Defendant's answer filed herein.

Wherefore, petitioner prays that an Order issue herein permitting it to take depositions of the above-named witnesses upon oral examination in the City of New Orleans, Louisiana for the purpose of discovery and for use as evidence in this case.

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Attorney General
of Louisiana

HUGH M. WILKINSON
New Orleans, La.

MORRIS WRIGHT
New Orleans, La.

VICTOR A. SACHSE
Baton Rouge, La.

JAMES R. FULLER
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Baton Rouge, La.

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BAILEY WALSH
Special Counsel

OF COUNSEL

ATTORNEYS FOR THE STATE OF LOUISIANA

IN THE SUPREME COURT
OF THE
UNITED STATES
OCTOBER TERM, 1956

UNITED STATES OF AMERICA,
Plaintiff

VERSUS

STATE OF LOUISIANA
No. 11 ORIGINAL

ORDER

Considering the motion by the State of Louisiana to take depositions and the Court being of opinion that there is good cause for the taking of the same,

IT IS ORDERED that depositions may be taken by the State of Louisiana, Defendant, in New Orleans, and Baton Rouge, Louisiana as requested, of the following named witnesses:

JAMES N. McCONNELL, CAPT. L. R. CABIRAC, R. L. EDDY, H. ROGER HUNTER, JR., WILLIAM S. WERLLA, C. J. BONNECARRERE, LEO W. HOUGH, DR. JAMES P. MORGAN, DR. EDWIN A. DAVIS, JOHN CARLOS DeARMAS, JOHN B. HUSSEY, LUCILLE MAY GRACE, DR. MARTIN WRIGHT, JULIUS L. BOOK.

IT IS FURTHER ORDERED, that the depositions of the said witnesses and other evidence offered by the Defendant as set forth in the said motion may

be taken and received before a Notary Public or other officer duly qualified to administer the oath pursuant to notice duly given as required by law.

Done and signed this ..... day of ....., 1956.

.....

Justice

Office - Supreme Court, U.S.
FILED
DEC 13 1956
JOHN T. FEY, Clerk

No. 11, Original

In the Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

MOTION FOR JUDGMENT AND STATEMENT WITH RESPECT TO MOTION

HERBERT BROWNELL, JR.,
Attorney General,
J. LEE RANKIN,
Solicitor General,
Department of Justice, Washington 25, D. C.

In the Supreme Court of the United States

OCTOBER TERM, 1956

No. 11, ORIGINAL

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

MOTION FOR JUDGMENT

The United States of America moves the Court for judgment as prayed in the Complaint, on the ground that there is no genuine issue as to any material fact and the United States is entitled to judgment as a matter of law.

HERBERT BROWNELL, Jr.,
Attorney General.

J. LEE RANKIN,
Solicitor General.

DECEMBER 1956.

411079—56——1

STATEMENT WITH RESPECT TO MOTION

In brief, the case of the United States, as already explained in this litigation,[1] is that this Court by its decision in *United States* v. *Louisiana*, 339 U. S. 699, held that the State of Louisiana had no title to the submerged lands and resources of the Gulf of Mexico off its coast, and that the United States was entitled thereto as against the State. Thereafter, the Submerged Lands Act of May 22, 1953, granted to Louisiana the submerged lands and resources within its boundary, including a marginal belt of three miles if the State should claim so much, or to any more extended boundary previously approved by Congress or as it existed when the State entered the Union, but not extending gulfward in any event more than three leagues from the low-water mark and outer limit of inland waters. 67 Stat. 29, 43 U. S. C. (1952 ed.) Supp. III, 1301–1315. The United States claims that the State boundary as defined in that Act is only three miles from the coast, and seeks an adjudication of its rights in the submerged lands and resources seaward of that distance, as against adverse claims thereto made by the State.

Despite the adjudication in *United States* v. *Louisiana, supra*, Louisiana's answer asserts that it owns and has always owned all the submerged lands and resources of the continental shelf off its coast and that

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[1] See our brief in support of the motion for leave to file the complaint, pages 9–15, and the Memorandum for the United States in Reply to Louisiana's Brief in Opposition to Motion for Leave to File Complaint. See also our brief in support of the motion for modification of the decree in *United States* v. *Louisiana*, No. 7, Orig., Oct. Term, 1954, motion denied, 350 U. S. 812.

the United States has not and has never had any proprietary rights therein. The State claims a boundary at the 27th parallel (from 120 to 180 miles from the coast) or, alternatively, at various lesser distances, the most restricted of which is three leagues from the coast. The State asserts that it disagrees with the United States as to the location of the base line (the low-water mark and outer limit of inland waters) from which the width of the marginal belt should be measured, requests that the two questions be tried together, alleges that to do so will require introduction of extensive evidence, and moves that the case be transferred for that reason to a district court.

Under the Submerged Lands Act, the extent of the grant made to each State depends on the location of the boundary of the particular State, as defined in the Act. That location must be determined from the applicable circumstances in each case. With respect to the claims made by the State of Louisiana, the United States takes the position, as shown by the pleadings and briefs we have already filed herein, that the State cannot have a boundary farther seaward than the boundary of the United States; that the location of the seaward boundary of the United States is a political question and a matter of foreign relations, for determination by the political branches of the Federal Government; that it has been so determined from the beginning of our history as a nation, and long before the admission of Louisiana to the Union, that the marginal sea of the United States does not exceed three miles in width; and that this is a matter subject to judicial notice. Thus the claim of the United

States to the submerged lands and resources lying more than three miles from the coast of Louisiana rests upon the legal effect of this Court's former decision in *United States* v. *Louisiana*, 339 U. S. 699, the Submerged Lands Act, and the location of the national maritime boundary along the coast of the State. These are all matters of law or subject to judicial notice, and should be decided on this motion without the taking of any evidence. See the discussion of this subject in the Memorandum for the United States in Reply to Louisiana's Brief in Opposition to Motion for Leave to File Complaint, pages 4–8.[2]

The decree to be entered under this procedure should describe the federal area of submerged lands as beginning at a stated distance seaward from the low-water mark and outer limit of inland waters. Thereafter, if the parties are in disagreement as to the location of any or all of that base line, one or more supplemental decrees may be entered, as necessary, specifically identifying parts or all of it. That is the procedure adopted by the Court in *United States* v. *California*, 332 U. S. 19, where the problem was the same as in the present case, except that there the disputed area began at the low-water mark and outer limit of inland waters instead of three miles seaward therefrom, as here. In that case, the

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[2] Louisiana's answer does not appear to suggest the taking of evidence on the primary issue of the width of the State's marginal belt. But if the answer does imply that "evidence" should be taken as to historical events, treaties, proclamations, and the like, it ignores the fact that such historical events and documents, *if material*, are properly subject to judicial notice and can be discussed in briefs and oral argument. A trial is wholly unnecessary in order to bring those matters to the Court's attention.

Court rejected California's contention that the issue, framed in such terms, was too vague, saying (332 U. S. at 26):

> * * * there is no reason why, after determining in general who owns the three-mile belt here involved, the Court might not later, if necessary, have more detailed hearings in order to determine with greater definiteness particular segments of the boundary. *Oklahoma* v. *Texas*, 258 U. S. 574, 582. Such practice is commonplace in actions similar to this which are in the nature of equitable proceedings. See *e. g. Oklahoma* v. *Texas*, 256 U. S. 602, 608–609; 260 U. S. 606, 625; 261 U. S. 340. California's contention concerning the indefiniteness of the claim presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on us by Article III of the Constitution.

On a shelving and tortuous coast such as that of Louisiana, specific identification of the low-water mark and the outer limit of inland waters involves both difficult factual questions of physical observation at every disputed location and legal questions as to definition of terms and application of such definitions to particular physical situations. Resolution of these problems with respect to the entire Louisiana coast will be, at best, a protracted process. There are many reasons why the clear-cut legal question of the width of the marginal belt should be answered separately and in advance. It can be answered quickly. If it is answered first, then every subsidiary determination of a segment of the base line will automatically determine the State and federal titles seaward therefrom; if,

however, all questions are thrown into one consolidated trial, title to none of the submerged land will be settled until final judgment. And until the width of the marginal belt is known, there can be no complete identification of the waters whose status (as inland water or marginal sea) is material to the case. For example, if Louisiana owns all the submerged lands to the 27th parallel, as it claims, it will not be necessary to identify any inland waters at all. Even under the State's most modest claim, of a marginal belt of three leagues, the State will own the beds of all coastal indentations less than six leagues wide, while under the three-mile contention of the United States it will be necessary to decide the inland water status of all indentations less than six miles in width. Obviously, there must be a preliminary determination of the width of the marginal belt before it can be known what the further issues will be. The mere fact that trial of the consolidated issues would, as the State asserts, require the taking of much evidence should suffice to show the undesirability of complicating and delaying decision of the single legal question presented by the Government's present motion, by consolidating it for trial with the subsidiary factual issues that the State seeks to advance. See also the discussion in the Memorandum for the United States in Reply to Louisiana's Brief in Opposition to Motion for Leave to File Complaint, pages 9–12.

For these reasons, the United States believes that this motion should be set down for early argument, so that the formulation and ultimate resolution of fur-

ther factual issues will not be unnecessarily delayed.[3] The United States expects to file at an early date its brief on the merits in support of the present motion.

Respectfully submitted.

HERBERT BROWNELL, JR.,
Attorney General.

J. LEE RANKIN,
Solicitor General.

DECEMBER 1956.

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[3] On December 4, 1956, Louisiana filed a motion to take depositions of two former and twelve present officials or employees of the State, its agencies or its political subdivisions. We believe that what has been said above, and in our previous brief and memorandum, shows the undesirability of taking evidence before a decision of the primary legal question has disclosed what the subsidiary factual issues, if any, will be.

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In the Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION TO MOTION BY THE STATE OF LOUISIANA TO TAKE DEPOSITIONS

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Washington 25, D. C.

In the Supreme Court of the United States

OCTOBER TERM, 1956

No. 11, Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION TO MOTION BY THE STATE OF LOUISIANA TO TAKE DEPOSITIONS

The State of Louisiana has moved the Court for an order permitting it to take depositions of fourteen persons "for the purpose of discovery and for use as evidence in this case." The United States opposes the entry of such an order.

The prayer of the complaint is for a judgment declaring the United States rather than the State to be entitled to the submerged lands and resources lying more than three miles from the low-water mark and outer limit of inland waters on the coast of Louisiana. This Court by its decision in *United States* v. *Louisiana*, 339 U. S. 699, held the United States to be entitled to all of the submerged lands and resources seaward of the low-water mark and outer limit of inland waters. The United States

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remains so entitled, except to the extent that it has since granted such rights to the State by the Submerged Lands Act, 67 Stat. 29, 43 U. S. C. (1952 ed.) Supp. III, 1301–1315. The grant made by that Act was limited to lands within the State boundary, three miles from the coast or as previously approved by Congress or as it existed when the State entered the Union, but not more than three leagues from the coast in any event. Thus the extent of the grant made to each State depends on the location of the boundary, as there defined, of the particular State. That location must be determined from the applicable circumstances in each case. The boundary of the State of Louisiana cannot extend farther seaward than the national boundary; the national boundary extends seaward only three miles from the coast of Louisiana. The extent of such national boundary has been conclusively determined by the political branches of the National Government and is subject to judicial notice. Thus, the right of the United States to the judgment it seeks depends on propositions of law and matters subject to judicial notice, and the taking of testimony is not necessary or appropriate. Subsidiary factual issues may arise regarding practical application of the judgment to the terrain, but what those particular issues will be cannot be known until the judgment is entered. See the United States' Motion for Judgment and Statement with Respect to Motion, filed simultaneously herewith.

Accordingly, the United States submits that the motion to take depositions should be denied, or at least held in abeyance pending ruling on the Gov-

ernment's motion for judgment. There is no showing that the State will be prejudiced thereby. Twelve of the persons sought to be interrogated are officials or employees of the State, its agencies or its political subdivisions, and the other two are former State officials. It is not intimated that any of them is uncooperative or that any other reason exists why the State needs their depositions for purposes of discovery. There is no showing that any of the proposed witnesses has peculiar (or, indeed, any) knowledge of any stated subject, material or otherwise, is elderly or in poor health or about to leave the jurisdiction of this Court, or that any other reason exists why their depositions will be needed for use as evidence in this case.

Respectfully submitted.

J. LEE RANKIN,
Solicitor General.

DECEMBER 1956.

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UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

Reply to the Motion for Judgment and to the Opposition of the United States to Louisiana's Motion to Take Depositions

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No. 11 ORIGINAL

In the Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

Reply to the Motion for Judgment and to the Opposition of the United States to Louisiana's Motion to Take Depositions

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PRELIMINARY STATEMENT

Louisiana filed its answer in these proceedings on November 5, 1956, and in its said answer raised various questions of law and of fact. Thereafter on December 4, 1956, Louisiana filed a motion to take the depositions of some fourteen (14) witnesses to give testimony concerning the factual issues raised by the complaint and answer. United States filed on December 14, 1956, a memorandum in opposition to the motion by the State to take depositions and a motion for judgment, which were served on the State on December 17, 1956, opposing the taking of these depositions for the following alleged reasons:

1. There is no showing that any of the proposed witnesses has peculiar (or, indeed, any) knowledge of any stated subject, material or otherwise, is elderly or in poor health or about to leave the jurisdiction of this Court, or that any other reason exists why their depositions will be needed for use as evidence in this case.

2. This Court by its decision in *United States v. Louisiana*, 339 US 699, held the United States to be entitled to all of the submerged lands and resources seaward of the low-water mark and outer limit of inland waters. The United States remains so entitled, except to the extent that it has since granted such rights to the State by the Submerged Lands Act.

3. The boundary of the State of Louisiana cannot extend farther seaward than the national boundary; the national boundary extends seaward only three miles from the coast of Louisiana. The extent of such national boundary has been conclusively determined by the political branches of the National Government and is subject to judicial notice.

4. The legal question as to the width of the marginal belt should be answered separately and in advance.

These propositions will be discussed in the above order.

I.

REASONS FOR TAKING DEPOSITIONS

Louisiana's motion to take testimony is made pursuant to Rule 9 of this Court and Rule 26 of Federal Rules of Civil Procedure. Rule 9, Paragraph 2 of the Supreme Court Rules reads as follows:

"2. The form of pleadings and motions in original actions shall be governed, so far as may be, by the Federal Rules of Civil Procedure, 28 U.S.C.A., and in other respects those rules, where their application is appropriate, may be taken as a guide to procedure in original actions in this court."

The appropriate procedure for the taking of depositions of witnesses is outlined in Rule 26 (a) of the Federal Rules of Civil Procedure which reads in part as follows:

"(a) **When Depositions May Be Taken.** Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. After commencement of the action the deposition may be taken without leave of court, except that leave, granted with or without notice, must be obtained if notice of the taking is served by the plaintiff within 20 days after commencement of the action. * * *"

It will be noted that the foregoing Rule permits the taking of depositions without leave of Court unless the notice to take such depositions is served within 20 days after commencement of the action. It was therefore not necessary under the Rule for Louisiana to obtain leave of Court for the taking of these depositions. However, Louisiana has sought the approval of the Court in view of the fact that this Court frequently requires its approval of the filing of documents and its practice differs in that respect from the practice of the District Courts.

The United States objects that there is no showing that any of the State's witnesses has knowledge of any particular

subject material to the issues that have been raised here and that there is no showing why the depositions of these witnesses will be needed for use as evidence in this case. There is no requirement anywhere in the Rules of Civil Procedure nor in this Court's Rule that such a showing be made. A reading of Paragraph 5 of Louisiana's motion does show in general the nature of the testimony expected from these witnesses and the statements made in that paragraph of Louisiana's motion certainly indicate the materiality of the testimony of these witnesses, although Louisiana was not required by the Rules to make any such showing.

It is somewhat paradoxical that Government counsel in a motion for entry of default which they filed in August, 1956, stated:

> "The State of Louisiana appears to have no desire to develop the facts."

It seems to us that Government counsel has no desire to present a record of facts to this Court on which it might base its opinion and conclusions.

Plaintiff's counsel takes a very narrow and restrictive view regarding the purpose and function of depositions. The Federal Rules of Civil Procedure are intended to be very liberal because of the very nature of Federal Procedure under new rules. The purpose and function of Rule 26 is thus stated in Moore's Federal Procedure, Second Edition, Volume 4, Page 1012:

> "Rules 26 to 37, providing for pre-trial discovery of testimony, pre-trial inspection of documentary evidence and other tangible things, and the examination of prop-

erty and person, were an important innovation in federal procedure. The promulgation of this group of rules satisfied the long-felt need for legal machinery in the federal courts to supplement the pleadings, for the purpose of disclosing the real points of dispute between the parties and of affording an adequate factual basis in preparation for trial. The Federal Rules, unlike the common law system of procedure, are not grounded on the supposition that the pleadings are the only or chief basis of preparation for trial. On the contrary, the limitations of the pleadings in this respect are recognized. In most cases under the Federal Rules the function of the pleadings extends hardly beyond notification to the opposing parties of the general nature of a party's claim or defense. It is recognized that pleadings have not been successful as a fact-finding mechanism * * * *"

See *Hickman v. Taylor*, 329 US 495, 67 S. Ct. 385, 91 L.Ed. 451.

The Federal Rules make no exceptions as to the right to take depositions. The Rules apply to all actions including actions by or against the United States. Again quoting Moore's Federal Practice, Second Edition, Volume 4, Page 1031-2:

"* * * Rule 26 and its companion Rules are drawn in accordance with the first type of statutes, and authorize the taking of depositions under the same circumstances and by the same methods irrespective of whether they are to be used for discovery or for preserving testimony or for both purposes. * * *

"No type of action, within the coverage of the Federal Rules, is excepted from the operation of Rule 26 or any of the other Rules in Part V (Depositions and Discovery). Rule 26 applies to actions by or against the United States. * * * *"

The Author just quoted further states that the Rules impose no limitations upon the right to take depositions either of the parties to the proceedings or of prospective witnesses. See Moore's Federal Practice, Second Edition, Volume 4, Page 1036.

Louisiana has consistently objected to the exercise of original jurisdiction by this Court, and in that connection has insisted that this Court does not have the facilities for exercising original jurisdiction in a case of this kind. Pre-trial conferences, requests for admissions, stipulations of facts, and other pre-trial procedures are impractical and non-existent. The salutary fact-finding methods for the formulation of issues provided in the new Rules of Civil Procedure can find no opportunity for application here.

Government counsel wishes to follow the old rules of technical pleading whereby theory takes precedence over fact and the aims of justice are lost in a maze of legal maneuver. *Barron and Holtzoff* in their Federal Practice and Procedure, Sec. 641, make the following appropriate comment:

> "To understand the significance of the improvements made by these rules, it should be remembered that under the prior procedure the means by which parties could narrow the issues and discover information needed to prepare for trial were very limited. Under the philosophy that a judicial proceeding was a battle of wits rather than a search for the truth, each side was protected to a large extent against disclosure of his case. As already pointed out, the federal rules relieved the pleadings of their top-heavy burden of formulating issues and disclosing facts. * * * *"

The authors of the work just quoted then go on to say:

> "• • • The discovery remedies embody a far-reaching step in the direction of achieving the principal goal of the new procedure, to which reference was made at the opening of this discussion, namely, the elimination of the 'sporting theory' of justice."

Plaintiff's counsel is in error in their argument that this Court will take judicial notice of facts which are relevant to the issues here.

The facts pleaded in Louisiana's answer definitely relate to the width of its marginal belt of submerged lands and territorial waters. A decision on this subject presents questions of fact as well as questions of law and the motion to take depositions states that the testimony of the witnesses relate to this subject. Louisiana has raised a number of defenses and among them it has raised the question as to the proper interpretation of the Act of Congress describing Louisiana's boundaries when it was admitted to the Union. The description of these boundaries ends with the statement that the boundary on the east runs "to the Gulf of Mexico; thence bounded by the said Gulf to the place of beginning, including all islands within three leagues of the coast."

The Government takes the position that Louisiana's southern boundary is a land boundary and that the reference to "all islands within three leagues of the coast" merely refers to the land mass of such islands. If this be true then the submerged lands and territorial waters seaward of Louisiana's Gulf Shores were included in its boundaries as an incident to

the transfer of sovereignty, and title thereto passed to Louisiana by necessary implication.[1]

On the other hand this description of the southern boundary of Louisiana may be interpreted as a water boundary and the conclusion might be reached that the three league boundary affirmatively includes not only all islands but all waters and submerged lands within three leagues of the coast.[2] A serious argument may be made in support of either position. Certainly it cannot be said that the description of Louisiana's southern boundary is unambiguous. It would therefore be relevant as an aid to interpretation to show the manner in which the State of Louisiana and the United States have interpreted this description of Louisiana's southern boundary. Louisiana's answer sets forth briefly many facts which would show that the State has from time immemorial exercised jurisdiction three leagues and more off-shore in the Gulf of Mexico, and that the United States through its various departments of Government have acquiesced in the exercise of this jurisdiction on the part of the State. Louisiana expects to show the extent of sovereignty which it has exercised over the submerged lands adjoining its shores by the testimony of witnesses and by documentary evidence taken from State records and State files. The Court will not take judicial notice of these matters and certainly the Court does not know the details of the testimony which the witnesses might give when their depositions are taken. The facts in this regard are set forth in the 5th, 6th and 7th paragraphs of Louisiana's answer.

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1. *Martin v. The Lessee of Waddell*, 16 Pet. 367, 413-17, 10 L.Ed. 997, 1014-15. *Pollard v. Hagan*, 3 How. 212, 11 L.Ed. 565. *Hardin v. Jordan*, 140 US 371, 35 L.Ed. 428. *Massachusetts v. New York*, 271 US 65, 89-90, 70 L.Ed. 838, 849, 850.

2. *Louisiana v. Mississippi*, 202 US 1, 50 L.Ed. 913.

It is alleged in the 5th defense of Louisiana's answer that Louisiana has at all times since its admission into the Union in 1812 exercised unchallenged sovereignty over the submerged lands in the Gulf of Mexico and has had notorious undisturbed and exclusive possession of the area referred to in the complaint and as a result of such possession and jurisdiction there has existed a general conviction and agreement that Louisiana has the title to the said lands. It is also averred that during this entire period of time the executive, legislative and judicial departments of the Federal Government have never believed or asserted that the United States possessed any proprietary right in such lands. It is alleged in the 6th defense that the United States has on numerous occasions and over a great period of time recognized Louisiana's title and proprietary rights of ownership in said lands and has requested the Governor of the State to secure the passage of laws which would permit the Federal Government to acquire sites in the disputed area for game and fish preserves and for lighthouses, jetties and other aids to navigation.

Louisiana's 7th defense alleges that both the State and Federal officials have from time immemorial interpreted and applied the Act of Congress admitting Louisiana to the Union as including within Louisiana's boundaries the marginal seas and submerged lands, and relying on such interpretation Louisiana has for many years expended large sums of money in the administration, regulation and conservation of the fish, oysters, shrimp and natural resources in the Gulf of Mexico and has incurred debt for such purposes.

The foregoing defenses which will be established and supplemented by the testimony of witnesses and by State records and documents are relevant to show that there is a

conclusive presumption that the area in dispute belongs to the State of Louisiana and that the United States had no proprietary right therein. In any event, as alleged in the 6th defense these facts constitute evidence of the intent of Congress in describing Louisiana's boundaries as "including all islands within three leagues of its coast." They constitute a contemporaneous and practical interpretation of the Act of Congress admitting the State to the Union and are entitled to great weight in interpreting this statute.

In the case of *United States v. Hill*, 120 US 169, 30 L.Ed. 627, this Court stated:

> "In Edwards' Lessee v. Darby, 26 U.S. 12 Wheat. 206, 210 (6:603, 604), it was said: 'In the construction of a doubtful and ambiguous law the contemporaneous construction of those who were called upon to act under the law, and were appointed to carry its provisions into effect is entitled to very great respect.' To the same effect are U.S. v. Dickson, 40 US 15 Pet. 141, 145 (10:689, 691); U.S. v. Gilmore, 75 U.S. 8 Wall. 330 (19:396); Smythe v. Fiske, 90 U.S. 23 Wall. 374, 382 (23:47, 50); U.S. v. Moore, 95 US 760, 763 (24:588, 589); U.S. v. Pugh, 99 US 265, 269, (25:322, 323); Hahn v. U.S. 107 US 402, 406 (27:527, 529); and Five Per Cent Cases, 110 US 471, 485 (28:198, 202). In the case of Brown v. U.S. 113 US 568 (28:1079), the same doctrine was applied, the cases in this court on the subject being collected, and it being said that a 'contemporaneous and uniform interpretation' by executive officers charged with the duty of acting under a statute 'is entitled to weight' in its construction, 'and in a case of doubt ought to turn the scale.' A still more recent case on the subject is U.S. v. Philbrick, 120 US 52 (ante, 659) where this language is used: 'A contemporaneous construction by the officers upon whom was imposed the duty of executing those statutes is en-

titled to great weight; and since it is not clear that the construction was erroneous it ought not now to be overturned."

The Court then went on to say:

"* * * This principle has been applied, as a wholesome one, for the establishment and enforcement of justice, in many cases in this court, not only between man and man, but between the Government and those who deal with it, and put faith in the action of its constituted authorities, judicial, executive and administrative."

See also Sutherland Statutory Construction, 3rd Ed. Volume 2, Section 5103. This author in Section 5105 states:

"The practice and interpretive regulations by officers, administrative agencies, department heads and others officially charged with the duty of administering and enforcing a statute will carry great weight in determining the operation of a statute."

Furthermore, the testimony of witnesses together with documentary evidence in the files of the State will be relevant to show the extent of Louisiana's historic boundaries at the time of and prior to the time that it was admitted to the Union. This evidence is certainly relevant in view of the following provision contained in Section 4 of the Submerged Lands Act (67 Stat. 31, 43 U.S.C. 1312):

"* * * Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws **prior to or at the time such State became a member of the Union**, or if it has been heretofore approved by Con-

gress. May 22, 1953, c. 65, Title II, § 4, Stat. 31." (Emphasis supplied.)

Counsel for plaintiff has argued that only the laws of the state at the time of its admission to the Union are relevant. The Court, however, must accept the law as written and must consider the status of Louisiana's laws and boundaries prior to and at the time of its admission to the Union.

It will be noted that the Submerged Lands Act specifically provides that the location of a State's historical boundary as provided by its law prior to the time of its admission into the Union is not in any way prejudiced by the Act. Obviously, Louisiana's laws prior to its admission into the Union were the laws of France and of Spain. Treaties made by France and Spain with England and other world powers that were concerned in the colonization of the American Continent outlined the extent of Louisiana's boundaries prior to the time that it was admitted to the Union. By virtue of the Treaty with France whereby the Louisiana Purchase was made the United States obligated itself to incorporate the territory within these boundaries into States of the Union. Louisiana's claim to the submerged lands in the Gulf of Mexico under the Treaty of Paris is set forth in its brief in opposition to motion for leave to file complaint #15 Original October Term 1955. The obligations assumed by the United States to incorporate the land and seas constituting the Louisiana Territory into States are set forth on pages 11 to 21 inclusive of that brief to which the Court is respectfully referred. The various foreign treaties, laws, and documents relating to Louisiana's historic boundaries are not a part of the records of the United States and the Court will not take judicial notice of them. Louisiana is entitled to give evidence on this subject.

In any event the depositions of Louisiana's witnesses will amplify and supplement the pleadings in accordance with the Rules of Federal Civil Procedure so that Louisiana's claim to its submerged lands and territorial waters will thereby be fully developed. Louisiana submits that under the Rules it is entitled as a matter of right to take these depositions.

II.

THIS CASE INVOLVES MUCH MORE THAN A SIMPLE APPLICATION OF THIS COURT'S FORMER DECISION AND THE SUBMERGED LANDS ACT.

The United States in its opposition to Louisiana's motion states that the decision of this Court in *United States v. Louisiana*, 339 US 699, held that the Federal Government is entitled to all of the submerged lands seaward of the low water mark and remains so entitled except to the extent that it has since granted such lands to the State by the Submerged Lands Act. The Government therefore argues that the right of the United States to the Judgment it seeks depends upon propositions of law and matters subject to judicial notice, and the taking of testimony is not appropriate. This case is not quite that simple—not by far.

The action taken by Congress in passing the Submerged Lands Act and the Outer Continental Shelf Lands Act requires a reconsideration of all the jurisprudence of this Court prior to the decisions that were rendered by this Court in the California, Texas and Louisiana cases regarding the ownership of submerged lands and territorial waters. The Acts of Congress have nullified the theory on which these latter decisions were based.

In the case of *Superior Oil Company v. Fontenot*, 213 F. 2d 565, Cert. Den., 348 US 837, 99 L.Ed. 660, the Court of Appeals of the Fifth Circuit held that the Acts of Congress nullified the theory on which the opinion and decree of the Supreme Court had been based in these cases. The Court said (213 F. 2d 569):

> "So here, when the long and heated struggle over the title and right to possession of the land, which had been waged between the government and the state, came to an end in Public Law 31, the state and appellants, as its lessees, found themselves in one of two positions equally favorable in law. By virtue of the act which nullified the theory on which the opinion and decree of the Supreme Court had been based, they must be held, notwithstanding the opinion of the Supreme Court, to have always and at all times had the title and right of possession, or, if the passage of Public Law 31, which brought the long struggle to an end, is to be regarded as then conferring title on them, this title, by the very terms of the Act declaring and establishing it, related back so as to confirm and maintain the possession and title of State and lessee as good from the beginning."

The foregoing opinion of the Fifth Circuit Court of Appeals necessarily result from the wording of the Submerged Lands Act and from the Reports of the Congressional Committees recommending the passage of that Act. In Section 3 of the Submerged Lands Act (67 Stat. 30, 43 USC 13), Public Law 31 declares it to be in the public interest that the ownership of these lands be "recognized, confirmed, established and vested in and assigned to the respective States." And in subparagraph (b) of section 3, "the United States hereby releases and relinquishes unto said States . . . all right title and interest of the United States, if any it has, in and to all said

lands." It therefore appears from the wording of the Act itself that Congress recognized and confirmed a title already possessed by the States, and quitclaimed any interest that the United States might possibly have in these lands. It is therefore apparent that this was not intended to be a grant of lands but rather a confirmation and recognition of pre-existing title. This conclusion is found in the Reports of the Congressional Committee that recommended passage of the act.

The legislative history of the Submerged Lands Act appears in House Report No. 215 and Senate Report No. 133 of the 83rd Congress, 1st Session. House Report No. 215 makes the following statement on page 34 regarding the unchallenged ownership of the States of the Union during the 160 years of the Nation's history:

> **"One Hundred and sixty years of unchallenged ownership by the States.**
>
> "Throughout our Nation's history the States have been in possession of and exercising all the rights and attributes of ownership in the lands and resources beneath the navigable waters within their boundaries. During a period of more than 150 years of American jurisprudence the Supreme Court, in the words of Mr. Justice Black, had 'used language strong enough to indicate that the Court then believed that the States also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.'
>
> "That same belief was expressed in scores of Supreme Court opinions and in hundreds of lower Federal courts' and State courts' opinions. Similar beliefs were expressed in rulings by Attorneys General of the United States, the Department of the Interior, the War Depart-

ment, and the Navy Department. Lawyers, legal publicists, and those holding under State authority accepted this principle as the well-settled law of the land. * * *"

The Report after discussing the decision in the California case then makes the following statement on page 36:

"* * *This committee, having heard the testimony of many able and distinguished State attorneys general, of representatives of the American Bar Association and State bar associations, and of other able and distinguished jurists and lawyers, is of the opinion that no decision of the Supreme Court in many years has caused such dissatisfaction, confusion, and protest as has the California case. We have heard it described in such terms as 'novel', 'strange', 'extraordinary' and 'unusual', 'creating an estate never before heard of', 'creating a new property interest', 'a threat to our constitutional system of dual sovereignty', 'a step toward the nationalization of our natural resources', 'causing pandemonium', etc."

The Committee then goes on to state on page 46 of its Report:

"The repeated assertions by our highest Court for a period of more than a century of the doctrine of State ownership of all navigable waters, whether inland or not, and the universal belief that such was the settled law, have for all practical purposes established a principle which the committee believes should as a matter of policy be recognized and confirmed by Congress as a rule of property law."

With respect to the claim that the enactment of the Submerged Lands Act would constitute a gift of property belonging to the United States to the coastal states, the Congressional Committee says: (page 47)

"* * * The committee cannot agree that the relinquishment by the Federal Government of something it never believed it had, and the confirmation of rights in the States which they always believed they did have and which they have always exercised, can be properly classified as a 'gift,' but rather a mere confirmation of titles asserted under what was long believed and accepted to be the law. * * *"

Senate Report No. 133 makes similar statements which need not be repeated here. However, attention may be directed to the following criticism by the Senate Committee of the Court's holding in the California case that the obligation of the United States to defend the marginal seas from foreign attack gives it a prior claim to the ownership of the submerged lands adjoining our shores. Answering this contention the Senate Committee said (Page 58-59):

"Mr. Justice Black, in speaking for the majority of the Court in the California case, said:

" 'The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.'

"If the Court in making the statement had reference to the military power of a foreign nation to dispute the rights of the States to take oil under submerged lands within their boundaries, then the same statement could correctly be made about oil under uplands, providing of course, the foreign nation possessed a military force strong enough to compel a settlement by the United States. However, if the statement was made because the Congress had never legislatively asserted on behalf of the United States or the State's title to the submerged lands within their boundaries, then we think that is all

the more reason why the Congress should now remove all doubt about the title by ratifying and confirming the titles long asserted by the various States, subject always, of course, to the paramount powers of the Federal Government under the Constitution, which titles have never been disputed by any foreign nation. * * *

"* * * It is beyond doubt that the Federal Government cannot assert any lawful control over lands or resources that are not located within the borders of the several States or the Territories or which has not been committed to it by treaty or other international negotiations.'"

In *Massachusetts v. Manchester*, the Supreme Court said:

"'There is no belt of land under the sea adjacent to the coast which is the property of the United States and not the property of the states.'"

The foregoing statement in an endorsement by the Congress of Mr. Justice Reed's dissent in the California case, wherein he said (332 US 42-3):

"This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands precisely as it is over every river, farm, mine, and factory of the nation. While no square ruling of this Court has determined the ownership of those marginal lands, to me the tone of the decisions dealing with similar problems indicates that, without discussion, state ownership has been assumed. Pollard v. Hagan, 3 How (US) 212, 11 L.Ed. 565, supra; Louisiana v. Mississippi, 202 US 1, 52, 50 L.Ed. 913, 931, 26 S.Ct. 408, 571; The Abby Dodge, 223 US 166, 56 L.Ed. 390, 32 S.Ct. 310; New Jersey v. Delaware, 291 US 361,

78 L.Ed. 847, 54 S.Ct. 407; 295 US 694, 79 L.Ed. 1659, 55 S.Ct. 907.

"* * * Of course the United States has 'paramount rights' in the sea belt of California—the rights that are implied by the power to regulate interstate and foreign commerce, the power of condemnation, the treaty-making power, the war power. We have not now before us the validity of the exercise of any of these paramount rights. Rights of ownership are here asserted—and rights of ownership are something else. Ownership implies acquisition in the various ways in which land is acquired—by conquest, by discovery and claim, by cession, by prescription, by purchase, by condemnation. When and how did the United States acquire this land?

"To declare that the Government has 'national dominion' is merely a way of saying that vis-a-vis all other nations the Government is the sovereign. If that is what the Court's decree means, it needs no pronouncement by this Court to confer or declare such sovereignty. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established except by sliding from absence of ownership by California to ownership by the United States."

The following statements of Senate Joint Resolution No. 13, which became the Submerged Lands Act, regarding the purpose of the bill and the effect of its enactment are quoted. The purpose of the bill is thus stated on page 5 of the Senate Report:

"Purpose of Bill

"Senate Joint Resolution 13, as amended, determines and declares that it is in the public interest that title and

ownership of lands beneath navigable waters within the boundaries of the respective States, and of the resources therein, be established and vested in the respective States. Insofar as the Federal Government has any proprietary rights in such lands and waters, that interest is relinquished or 'quitclaimed' to the individual States. * * *"

The conclusion of the Senate Committee is stated on page 24:

"IX Conclusion

"The committee submits that the enactment of Senate Joint Resolution 13, as amended, is an act of simple justice to each of the 48 States in that it re-establishes in them as a matter of law that possession and control of the lands beneath navigable waters inside their boundaries which have existed in fact since the beginning of our Nation. It is not a gift; it is a restitution. By this joint resolution the Federal Government is itself doing the equity it expects of its citizens.

"The committee recommends enactment of Senate Joint Resolution 13."

The actions of Congress outlined above very strongly suggest that the Court should reaffirm "as a rule of property law" its repeated assertions "for a period of more than a century of the doctrine of State ownership of all navigable waters, whether inland or not." It should, by the same token, renounce the theory that national responsibility or national interest in the submerged lands and territorial waters adjoining our nation's shores gives to the federal government any title to or ownership of such lands and waters. The conclusion to be reached from the Submerged Lands Act and its legislative history is that external national sovereignty per-

tains only to matters of national defense, interstate and foreign commerce, and other international relationships. It would therefore follow that the jurisprudence of 160 years establishing these principles should be applied to the case at bar. In the light of this jurisprudence Congress has correctly declared that submerged lands belong to and are a part of the individual coastal state which they adjoin. Louisiana's answer raises questions as to **validity of the limitation of boundaries** to three-leagues in the Gulf of Mexico contained in the Acts of Congress. However, these propositions need not be discussed at this time.

The legislative history of the Submerged Lands Act also points up the necessity for considering the equities of the case as between the United States and the coastal states. House Report No. 215, 83rd Congress, 1st Sess. distinctly states that equity should be done by the Federal Government and that the individual States in this respect should be treated as sovereign States, not as private individuals would be treated. On Page 46 of House Report No. 215 the following statement appears:

> "The evidence shows that the States have in good faith always treated these lands as their property in their sovereign capacities; that the States and their grantees have invested large sums of money in such lands; that the States have received, and anticipate receiving large income from the use thereof, and from taxes thereon; that the bonded indebtedness, school funds, and tax structures of several States are largely dependent upon State ownership of these lands; and that the legislative, executive, and judicial branches of the Federal Government have always considered and acted upon the belief that these lands were the properties of the sovereign States.

"If these same facts were involved in a dispute between private individuals, an equitable title to the lands would result in favor of the person in possession. The Court in the California case states, as a matter of law, that the Federal Government—

> "'is not to be deprived of these interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; * * *'

"The effect of this ruling of the Court is to place the State of California in the same legal position as an individual, thereby depriving it of its status as a sovereign. It should be noted that the case of U.S. v. California was a controversy between two sovereigns, namely, the United States on the one hand and the State of California on the other, both of which occupied equal dignity as sovereigns. The sovereign rights enjoyed by the United States were in the first instance derived from the States and the sovereign powers of the United States can rise no higher or have any greater effect than that which was delegated to the Central Government by the Constitution. The committee believes that, as a matter of policy in this instance, the same equitable principles and high standards that apply between individuals, should be applied by Congress as between the National Government and the sovereign States. (See Indiana v. Kentucky, 136 U.S. 479, 500 (1890); U.S. v. Texas, 162 U.S. 1, 61 (1896); New Mexico v. Texas, 275 U.S. 279 (1927)."

The facts regarding Louisiana's possession of and exercise of jurisdiction over its submerged lands in the Gulf of Mexico are relevant not only to explain and interpret the Act of Congress which admitted Louisiana to the Union, but also to determine the historic boundaries of the State, and to develop

the equities as they exist between the national sovereign on the one hand and the State sovereign on the other so as to properly resolve this domestic dispute as to the title and ownership of these lands and resources.

Although paragraph IX of the Government's complaint states that the fundamental issues in its controversy with Louisiana "involve inquiry into and application of the foreign policy of the United States in a matter of peculiar importance and delicacy," the Plaintiff now says on page 3 of its statement with respect to its motion for Judgment that the "location of the seaward boundary of the United States is a political question" and that the boundary has been determined "since the beginning of our history as a nation . . . and is a matter subject to judicial notice." The matter of inquiry into foreign policy has apparently passed out of the case. The government now admits that the controversy is one to determine the location of a boundary and the ownership of property in submerged lands. The government therefore appears not as a superior sovereign exercising paramount rights but as a claimant to lands whose title and limits are a matter of dispute. Prior to this litigation the United States was not in possession of these lands and asserted no rights therein. A mere assertion of title now cannot supply a sovereign right which would follow a recognition of title in either claimant by the Court. The government asks the Court to declare its rights but seeks to litigate the controversy as if its alleged rights had already been favorably adjudged.

When the Federal Government goes into the Court of Justice as a suitor it is subject to the same rules, and is bound by the Judgment to the same extent as private parties. It

agrees by implication that justice may be done with regard to the subject matter.[3]

III.

NATIONAL AND STATE BOUNDARIES CO-EXTENSIVE

In its opposition to Louisiana's motion the Government states that the boundary of Louisiana cannot extend farther seaward than the National boundary. Government Counsel then goes on to make a statement that is strangely paradoxical and utterly inconsistent with the claim of the United States in this litigation. On page 2 of the Memo in opposition to Louisiana's motion to take depositions the statement is made:

> "The national boundary extends seaward only 3 miles from the coast of Louisiana."

In the Government's motion for judgment on page 2 the statement is repeated that "the United States claims that the State boundary is only 3 miles from the coast" and then on page 3 of the motion for judgment says again "the State cannot have a boundary farther seaward than the boundary of the United States." Government counsel then goes on to say that the marginal sea of the United States does not exceed 3 miles in width and that this is a matter subject to judicial notice.

Although the United States says that the National boundary extends only 3 miles seaward it nevertheless alleges in

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3. *Brent v. Bank of Washington*, 10 Pet 596, 9 L.Ed. 547. *The Siren v. United States* (The Siren), 7 Wall 152, 19 L.Ed. 129. *United States v. O'Grady*, 22 Wall 641, 22 L.Ed. 772. *Carr v. United States*, 98 US 433, 25 L.Ed. 209. *Curtner v. United States*, 149 US 662, 13 S.Ct. 985, 37 L.Ed. 890. *Lukenbach v. The Thekla*, 266 US 328, 45 S.Ct. 112, 69 L.Ed. 313.

paragraph 6 of its complaint that "United States is now entitled to exclusive possession of and full dominion and power over the lands, minerals and other things underlying the Gulf of Mexico, lying more than 3 geographic miles seaward from the ordinary low water mark." The prayer of the complaint is that this Court declare the rights of the United States as against the State of Louisiana in the lands, minerals and other things underlying the Gulf of Mexico lying more than three geographic miles seaward from the ordinary low water mark and from the outer limit of inland waters on the coast of Louisiana "and extending seaward to the edge of the Continental Shelf." Louisiana claims, among other things that it is entitled in any event to extend its boundaries to the full limit of the National boundaries. The National boundaries have undoubtedly been extended to the edge of the Continental Shelf as a result of Presidential Proclamation No. 2667 issued September 28, 1945 (10 FR 12303), the Submerged Lands Act, and the Outer Continuental Shelf Lands Act.

The Presidential Proclamation declares that "the government of the United States regards the natural resources of the sub-soil and seabed of the Continental Shelf beneath the high seas but contiguous to the coast of the United States as appertaining to the United States, subject to its jurisdiction and control." The proclamation recites that "such jurisdiction is required in the interest of their conservation and prudent utilization and that the effectiveness of measures to utilize or conserve these resources would be contingent upon cooperation and protection from the shore, since the Continental Shelf may be regarded as an extension of the land mass of the coastal nation and thus naturally appurtenant to it."

Section 9 of the Submerged Lands Act, 67 Stat. 32, 43

USC 1302, states that nothing in that Act "shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the sub-soil and seabed of the Continental Shelf lying seaward" of the area 3 miles or 3 leagues from the coast of the adjoining state.

Likewise the Outer Continental Shelf Lands Act provides in Section 3, 67 Stat. 462, 43 USC 1332:

> "It is declared to be the policy of the United States that the sub-soil and seabed of the Outer Continental Shelf appertained to the United States and are subject to its jurisdiction, control, and the power of disposition as provided in this sub-chapter."

This Court has freqently stated that jurisdiction, territory and ownership are co-extensive.

New York v. Connecticut, 4 Dall. 1 (1799)

United States v. Bevans, 3 Wheat 336 (1818)

Corfield v. Coryell, 6 Fed Cas. No. 3,230, p. 546 (1823)

Rhode Island v. Massachusetts, 12 Pet. 657 (1838)

Martin v. Waddell, 16 Pet. 366 (1842)

Pollard's Lessee v. Hagan, 3 How. 212 (1845)

Manchester v. Massachusetts, 139 US 240 (1891)

Smith v. Maryland, 18 How. 71, 74 (1855)

McCready v. Virginia, 94 US 391, 394 (1876)

For instance in the case of *United States v. Bevans*, 3 Wheat 336 (1818), Chief Justice Marshall stated (3 Wheat 386-7):

> "What then is the extent of jurisdiction which a State possesses? We answer, without hesitation, the jurisdiction of a State is co-extensive with its territory; coextensive with its legislative power."

It is therefore obvious that the national boundary has been extended to the edge of the Continental Shelf.

We again refer to the statements of Government counsel that the boundary of the State of Louisiana cannot extend farther seaward than the National boundary. The implication of the Government's argument in this connection is that the State boundary can extend as far as the National boundary goes. Thus in the Government's Memorandum in reply to Louisiana's brief in opposition to motion for leave to file complaint (No. 15 Original, October Term, 1955) Plaintiff's counsel says:

> "In our view, the State's boundary cannot extend beyond that of the Nation. Thus our present problem involves finding, as a limiting factor, the location of the National Maritime boundary."

This Court has many times held that the boundaries of the coastal States are coextensive with the boundaries of the nation. So in *Harcourt v. Gaillard*, 12 Wheat 524, 6 L.Ed. 716 (1827), the Court said:

> "There was no territory within the United States that was claimed in any other right than that of some of the confederate States; therefore, there could be no ac-

quisition of territory made by the United States distinct from, or independent of some one of the States."

Pollard v. Hagan, 3 How. 228-9, 11 L.Ed. 573 (1845), specifically refers to the title in the coastal states created out of the Louisiana territory, as follows:

> "We think a proper examination of the subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed; except for temporary purposes and to execute . . . . the trust created by the treaty with the French Republic of the 30th of April 1803, ceding Louisiana."

In *Dred Scott v. Sanford*, 19 How. 393, 446-8, 15 L.Ed. 691, 718, the following statement appears:

> "There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way, except by the admission of new States. . . . No power is given to acquire a territory to be held and governed permanently in that character."

In *Brown v. Grant*, 116 US 207, 212, 20 L.Ed. 598, 600 (1885), the opinion states:

> "Unless otherwise declared by Congress, the title to every species of property owned by a territory passes to the State upon its admission into the Union."

Similarly, in *Commonwealth of Massachusetts v. Manchester*, 152 Mass. 230, 26 NE 113, 116 (1890), affirmed 139 US 240, 35 L.Ed. 167, we find this statement of the law:

"There is no belt of land under the sea adjacent to the coast which is the property of the United States, and not the property of the States."

The opinion of the Supreme Court in the above quoted case bearing the title of *Manchester v. Massachusetts*, 139 US 240, 264, 35 L.Ed. 159, 166, this Court in affirming the judgment in the Massachusetts Supreme Court said:

"The extent of the territorial jurisdiction of Massachusetts over the sea adjacent to its coast is that of an independent nation; and except so far as any right of control over this territory has been granted to the United States, this control remains with the state. . . ."

"Within what are generally recognized as the territorial limits of States by the law of nations, a State can define its boundaries on the sea, and the boundaries of its counties."

The foregoing decisions of this Court have been frequently reaffirmed and quoted in numerous decisions that have been handed down since they were decided.

The statement of Government counsel that the boundary of the State of Louisiana extends no further seaward than the National boundary therefore carries with it as a corollary the proposition that the State's boundary does extend as far as the National boundary extends. And the National boundary has been extended to the edge of the Continental Shelf. Within that boundary the United States can exercise only those powers conferred on it by the Constitution, namely; regulation of Interstate and foreign commerce, navigation, and National defense. Since the theory underlying the California, Texas and Louisiana Tidelands cases that the external

sovereignty of the United States over these submerged lands can in some way be translated into property ownership, has been nullified by the National Congress, the United States can claim and exercise no proprietary rights in this disputed area.

It is not the purpose of this memorandum to argue the government's motion for judgment inasmuch as that motion declares on page 7 thereof, "The United States expects to file at an early date its brief on the merits in support of the present motion." The State of Louisiana reserves its right to answer such brief when filed, but nevertheless considers it appropriate to challenge the statements made by the United States in support of its motion.

IV.

THE CASE SHOULD NOT BE DECIDED IN PIECEMEAL FASHION

Louisiana in its brief in support of its opposition to Plaintiff's motion for leave to file its complaint urged that this Court would waste its time in a partial and piecemeal determination of the issues that are raised by the pleadings. There is no need to repeat that argument now and we respectfully refer the Court to pages 38 to 41 inclusive of Louisiana's brief in Docket No. 15 Original, October Term, 1955.

The statements made by government counsel on pages 4 and 6 of its statement with respect to the motion for Judgment support Louisiana's position that this entire controversy should be decided in one proceeding and that such a proceeding could be more appropriately presented in the normal way in a District Court. Louisiana still urges its motion contained in its answer that this matter be transferred to a District

Court for a full development of the issues of fact and law raised in this proceeding.

CONCLUSION

Louisiana submits that under the Rules it is entitled of right to take the depositions of witnesses prior to the hearing of this case in order to fully develop the issues involved. A proper decree would grant the motion of the State to take these depositions and order that this cause be transferred to a District Court for trial. It is inappropriate that a motion for judgment should be considered by the Court at this time.

Respectfully submitted,

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PROOF OF SERVICE

I, _____ one of the attorneys for the State of Louisiana, defendant herein, and a member of the Bar of the Supreme Court of the United States, certify that on the _____ day of _____, 195____, I served copies of the foregoing Reply to the Opposition of the United States to Louisiana's Motion to Take Depositions, by leaving copies thereof at the offices of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C.

_____

Of Counsel

MOTION FILED FEB 27 1957

NO. 10 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF

V.

STATE OF LOUISIANA, DEFENDANT

MOTION FOR LEAVE TO FILE INTERVENTION, BRIEF IN SUPPORT OF MOTION, AND INTERVENERS' ANSWER.

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners, 2307 American Bank Bldg., New Orleans, Louisiana.

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners, Franklin, Louisiana.

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NO. 11 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF

V.

STATE OF LOUISIANA, DEFENDANT

MOTION FOR LEAVE TO FILE INTERVENTION

The Parishes[1] of St. Bernard, Plaquemines, Jefferson, Iberia, and St. Mary, subdivisions of the State of Louisiana, authorized to intervene herein by their Governing Bodies, as shown by certified copies of resolutions hereto attached, move the Court for an order permitting them to intervene as defendants in this action, in order to assert the defenses set forth in their proposed answer, on the following grounds:

I

The representation of applicants' interest by the existing party defendant in this cause is or may be inadequate, as shown by defendant's answer, which claims various conflicting gulfward boundaries for the State of Louisiana, and particularly by the prayer thereof which fails to ask for judgment decreeing the

1. Same as Counties in all other States.

State of Louisiana to be the owner of the submerged lands and natural resources within its historic boundary, 3 leagues from coast, or for an accounting from plaintiff for rentals and royalties collected by it from mineral leases within said State Gulfward boundary, in all of which applicants have a legal interest, and applicants will be bound by any judgment or orders rendered in this action because, under State Law, applicants' gulfward boundaries are co-extensive with the gulfward boundary of the State of Louisiana.

II

Under State Law, applicants exercise the right of local government and taxation over their respective areas and jurisdictions within the State's historic gulfward boundary, and therefore they have a legal right to maintain their territorial integrity.

III

Applicants are so situated as to be adversely affected by a distribution and disposition of large sums of money subject to the control and disposition by judgment and orders of the Court in this action, which said sums were received and withheld by the United States, plaintiff, as royalty payments under mineral leases executed on submerged lands of the State of Louisiana, defendant, within applicants respective maritime boundaries. Said sums are due and payable to the defendant under provisions of the Submerged Lands Act of May 22, 1953, and applicants have a legal interest therein under State Law.

IV

A copy of applicants' proposed pleading and annexed exhibits are attached hereto.

V

This intervention has questions of law and fact in common with the main action, and will not delay the trial, nor prejudice the adjudication of the rights of the original parties in this action. Plaintiff and defendant have not filed briefs in support of their demands, and this action is fixed for hearing on April 8, 1957, when Interveners will require only about 20 minutes in argument.

VI

WHEREFORE, applicants pray that an order be entered permitting the Parishes of St. Bernard, Plaquemines, Jefferson, Iberia and St. Mary, applicants for intervention, to intervene and become parties defendants in this case.

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners,

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners,

BERTRAND DE BLANC, District Attorney and Counsel for Interveners,

FRANK LANGRIDGE, District Attorney and ex-Officio Attorney for Parish of Jefferson and Counsel for Interveners,

FRANK J. LOONEY,
Of Counsel.

February, 1957

NO. 11 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF
V.
STATE OF LOUISIANA, DEFENDANT

BRIEF IN SUPPORT OF MOTION

INTERVENTION OF RIGHT

Applicants are entitled to intervene in the present action as of right for the reason that the representation of applicants' interests by the existing party defendant is or may be inadequate and applicants for intervention will be bound by a judgment in this action.

FRCP Rule 24 (a) 2, and new Rule 9 (2).

Representation of applicants' interests by the existing party defendant is inadequate, as shown by defendant's answer, which fails to lay proper emphasis on the historic gulfward boundary of the State of Louisiana, 3 leagues from coast, as fixed by its Constitution prior to and at the time the State was admitted into the Union, as approved by Congress, and also fixed by the Act of Congress which admitted the State into the Union[1], and which said coast line was desig-

1. 1812 Constitution of La., preamble, Act of April 8, 1812, Public Stats. at Large of U. S. A., Vol. II, pp 701-3,

nated and defined by the lawful agencies of the federal government under applicable Acts of Congress, and approved by the Louisiana Legislature[2].

The complaint and answer fail to recognize the fundamental legal principle fixed in the Constitution of the United States[3] that Congress and only Congress may admit new States into the Union and fix their boundaries and, therefore, no State boundary can be established, fixed or changed by any of the political agencies of the federal government, nor is it a political question dependent upon diplomatic exchanges or foreign policy; and that after a State has been admitted into the Union by Act of Congress, its boundary cannot be changed, not even enlarged, without the consent of its Legislature[4].

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2. Act of Feb. 10, 1807, Stats. at Large of U. S. A, Vol. II, pp 413-4, USCA 33, Sec. 881; Acts of Feb. 19, 1895, C. 102, §2, 28 Stat. 672; Feb. 14, 1903, C. 552, 32 Stat. 829; 33 USCA Sec. 151: "The term 'high seas' means all waters outside the line dividing the inland waters from the high seas as defined in Section 151, Title 33." 46 USCA Sec. 224 (a), (12) (a), and C. G. 169, March 1, 1955, PART 82—BOUNDARY LINES OF INLAND WATERS, Sections 82.1, 82.2, 82.95, 82.103, C & G Charts 1267, 1270, 1272 to 1279, incl. Act 33 of the 1954 Louisiana Legislature.

3. Art. IV, §3.

4. Act of Congress, April 14, 1812, enlarging limits of State of Louisiana, provided: "in case the legislature of the State of Louisiana shall consent thereto."

The First Session of the Louisiana Legislature, on July 27, 1812, adopted an Act, Chapter 3, page 8 of the Acts of 1812, and a Concurrent Resolution approved August 4, 1812, approving and consenting to the enlargement of the limits of the State, as provided by said Act of Congress.

Re: Changing State boundary: See Henry Gannett, Department of the Interior, "Boundaries of the United States and of the Several States and Territories", 1904, pp 9-18, where the United States and Britain engaged in diplomatic exchanges, appointment of survey commissions, and, finally, of a friendly Sovereign to arbitrate the disputed boundary between Canada and Maine,—the subject of fruitless negotiation for 44 years which almost led to war with Britain. When the friendly Sovereign made an award in favor of Canada, the State of Maine protested, and the United States Senate accordingly refused to give its assent to the award, giving as its reason, that, **"However disposed the Government of the United States might have been to acquiesce in the decision of the arbiter, it had not the power to change the boundaries of a State without the consent of the State."** Geological Survey Bulletin 817, p 17.

Said answer also fails to show, in compliance with the Submerged Lands Act of Congress[5], that the boundaries of the State of Louisiana in the Gulf of Mexico as they existed at the time such State became a member of the Union extended from the coast line 3 marine leagues into the Gulf of Mexico, and that it was so provided by the Constitution of the State of Louisiana prior to and at the time it became a member of the Union[6], which said Constitution was approved by said Act of Congress of April 8, 1812.

That as shown by Act 33 of the 1954 Louisiana Legislature, the State of Louisiana stands upon its historic gulfward boundary, 3 leagues from coast, as described in its original Constitution in 1812, and as fixed by the Act of Congress which admitted it into the Union on April 8, 1812; and the State accepted and approved its coast line, or the line marking the seaward limit of its inland waters, as designated and defined by agencies of the federal government under the applicable Acts of Congress of 1807 and 1895, as amended.

This congressional legislation was for the purpose of defining the inland waters of the United States[7].

The waters within the dividing line so designated and defined between the high seas and the rivers, harbors and inland waters pursuant to the 1895 Act, are inland waters[8].

Applicants will be bound by final judgment in this action and such judgment will be res adjudicata of the

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5. Sec. 2 (b) and Sec. 4, Public Law 83d Congress, 67 Stat. 29.
6. Preamble of Constitution of Louisiana of 1812.
7. U. S. v. Newark Meadows Imp. Co. (C. C. N. Y. 1909) 173 F. 426, @ p. 428.
8. "The Delaware" (N. Y. 1896) 161 U. S. 459, @ p. 463.

legal rights sought to be protected through intervention, because the gulfward boundaries of applicants, as coastal parishes of the State of Louisiana, are coextensive with the State[9].

Applicants are in a separate category from other non-coastal parishes of the State because as coastal parishes they have a substantial property interest consisting of a percentage of oil royalties in the mineral resources of the submerged lands of the State of Louisiana within its said historic boundary[10].

After December 11, 1950, when the decree was entered in the Case of the **United States v. Louisiana**[11], various State lessees of mineral rights in the submerged lands of the State of Louisiana within 3 leagues from coast in the Gulf of Mexico paid large sums of money for rentals and royalties under said leases to the United States, plaintiff, (shown by circles in tracts on Maps annexed to the Answer marked Interveners Exhibits 15 to 22); and since said date, plaintiff advertised and sold various oil and gas leases on tracts of submerged lands both within Louisiana's inland waters and within Louisiana's gulfward boundary 3 leagues from coast within applicants' boundaries. (shown on said Maps in tracts shaded black), from which said plaintiff received additional large sums of money. All such sums received by plaintiff are required to be paid to defendant by the Submerged

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9. Acts 32 and 33 of the 1954 Louisiana Legislature.

10. La. Con. Art. IV, §2. Royalty interests are real property rights under Louisiana Law. 1950 R.S. 9:1105.

11. 339 U.S. 699.

Lands Act of Congress[12]. Applicants have a legal right to ten percent (10%) of said royalties as above[13], which are subject to distribution and disposition by the final judgment and orders of court in this action.

Interveners issued bonds aggregating several millions of dollars secured by revenues from said 10% royalties, with the faith and credit of said Parishes pledged therefor, under authority of the State Constitution. Applicants would be adversely affected in such distribution or disposition of said funds, unless permitted to intervene in this action.

The 1946 amendment to Rule 24 (a) (3), adding the words "subject to the control or disposition", "covers the situation where property may be in the custody of some other officer or agency—such as the Secretary of the Treasury—but the control and disposition of the property is lodged in the court wherein the action is pending[14]."

Applicants have right of intervention because of their legal interest in property or funds, subject to distribution and disposition by judgment and orders of Court in this action."[15]

Applicants are also entitled to as much as $200,000 from State severance taxes collected from oil, gas and sulphur produced within their respective bound-

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12. Sec. 3 (c), Pub. Law 31, 83d Cong., 67 Stat. 29.

13. La. Con. Art. IV, §2.

14. Advisory Committee Note to Rule 24, U. S. C. A. 28, p. 130.

15. Kaufman v. Societe Internationale Pour Participations Industrielles et Commerciales S. A., 72 S. Ct. 611, 343 U. S. 156.

aries"[16], including the State's gulfward boundary therein.

Applicants exercise delegated portions of the right of State government and sovereignty, and have the legal right under the State Constitution and Laws to impose ad valorem taxes on all taxable property within their boundaries (including their portion of defendant's gulfward boundary at issue in this action), for local government purposes in their respective subdivisions of the State, including civil and criminal courts, sheriffs and peace officers, assessors and tax collectors, and the construction, maintenance and operation of courthouses, school houses, other public buildings, roads, bridges, sewerage and drainage works and other permanent public improvements, title to which shall be in the public"[17]. For the foregoing reasons, applicants have a legal right to present their defenses in this action to protect their legal interests and property rights, and their territorial integrity.

Applicants annex to their intervention verified copies of official instruments, maps and other evidence, in support of their intervention, the consideration of which will not delay the trial in any manner nor prejudice the adjudication of the rights of the original parties in this action. Neither plaintiff or defendant has filed its brief in support of their demands fixed for hearing in this Court on April 8, 1957. Inter-

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16. La. Con. Art. X, §21, maximum of $200,000 yearly allocated to Parishes from State severance taxes on oil, gas and sulphur production.

17. La. Con. Art. X, §10; Art. XIV, §8, 11 and 14 (c), (d), (e);

veners will require only about 20 minutes in argument to present their defense and legal rights on hearing thereof.

CONCLUSION

It is respectfully submtited that Motion for Leave to File the Intervention should be granted.

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners,

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners,

BERTRAND DE BLANC, District Attorney and Counsel for Interveners,

FRANK LANGRIDGE, District Attorney and ex-Officio Attorney for Parish of Jefferson and Counsel for Interveners,

FRANK J. LOONEY,
Of Counsel.

February, 1957

NO. 11 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF

V.

STATE OF LOUISIANA, DEFENDANT

INTERVENERS' ANSWER

Now come the Parishes of St. Bernard, Plaquemines, Jefferson, Iberia and St. Mary, subdivisions of the State of Louisiana. duly authorized by resolutions of their governing bodies, verified copies of which are hereto annexed, intervening herein as defendants,

hereinafter termed "INTERVENERS", and with respect show that:

FIRST DEFENSE

Interveners deny all allegations of plaintiff's complaint, except as may be hereinafter particularly admitted.

I

The jurisdictional question has been disposed of by order of the Court on defendant's motion directed thereto.

II

The allegation that the United States had possession and dominion over the lands, minerals and other things underlying the Gulf of Mexico from the outer limits of inland waters on the coast of Louisiana to the edge of the continental shelf, **"except as set forth in Paragraph IV,"** when construed with the Submerged Lands Act of Congress, 67 Stat. 29, Sec. 2. (b) and (c), Sec. 3. (a) and (b), quitclaiming to Gulf Coastal States a maximum of 3 leagues from Coast, within historic State boundaries, and the Act of Congress which admitted Louisiana as a State into the Union and fixed its gulfward boundary at 3 leagues from coast in the Gulf of Mexico, on April 8, 1812, must be taken as an admission by plaintiff that the defendant State of Louisiana has ownership and possession of all said submerged lands, minerals and other things underlying the Gulf of Mexico, within 3 marine leagues from coast, or from the seaward limit of its inland waters.

III

Neither said Submerged Lands Act or the Outer Continental Shelf Lands Act requires any accounting to plaintiff from the defendant State, said Acts supercede said Court decision, and Plaintiff is bound by these Acts of Congress.

IV

Said Submerged Lands Act recognized, confirmed and established title to and ownership of the submerged lands and resources in the defendant State, and "released and relinquished" unto said State "all right, title and interest of the United States, if any it has" thereto, within the State's historic boundary, 3 leagues from coast in the Gulf of Mexico.

Section 2 of the Act provides that when used in this Act—"(b) The term "boundaries" includes * * * its boundaries in the Gulf of Mexico * * * as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as * * * confirmed pursuant to Section 4 hereof but in no event shall the term "boundaries" or the term "lands beneath navigable waters" be interpreted as **extending from the coast line** more than * * * **three marine leagues into the Gulf of Mexico;**" (Emphasis added).

"(c) The term "coast line" means **the line** of ordinary low water along that portion of the coast which is in direct contact with the open sea and **the line** marking the seaward limit of inland waters;" (Both **lines** synonymous).

By its use of the most specific language as above, **"the line"** along the sea coast and **"the line"** marking

the seaward limit of inland waters, Congress most certainly did not intend to provide for any line which might be arbitrarily drawn on a map by the Secretary of the Interior, as has been attempted by the "Chapman Line" without legal authority. Nor did Congress intend any such line as suggested in plaintiff's brief of March, 1956, pp 9 to 12, which would require several years of judicial inquiry for decision as to its location along the State's shore line of 7721 miles, instead of the existing Louisiana coast line 397 miles long, already designated and defined by United States Agencies under authority of Acts of Congress of 1807 and 1895, as amended, and as shown on Coast and Geodetic Survey Charts.

The use of the phrase "of ordinary low water" does not change the location of the line, because the tide ebbs and flows and the waters rise and fall along the sea coast as well, and to the same extent as within the tidal inland waters or along the tidal shores. High water and low water or any water elevation, is measured on a perpendicular gauge, up or down,—but not by distance.

That said coast line, or the line marking the seaward limit of inland waters of the State of Louisiana has been designated and defined by agencies of the United States, plaintiff, under applicable Acts of Congress of Feb. 10, 1807 and Feb. 19, 1895, as amended, as shown in footnote 2 of Interveners' Brief in Support of Motion.

The 1807 Act authorized the President to cause a survey to be taken of the coasts of the United States

within twenty leagues of any part of the shores of the United States. (Emphasizing the vast difference between "coast" and "shore").

The 1895 Act vested the authority in the Secretary of the Treasury, to designate and define by suitable bearings, buoys, or coast objects, "the line dividing the high seas from rivers, harbors and inland waters," while the 1807 Act was still in effect authorizing fixing the maximum distance of the coast 20 leagues from the shores.

Under Section 101 of Reorganization Plan No. 3 of 1946, Congress vested that authority in the Commandant of the Coast Guard.

In United States Coast Guard pamphlet CG-169, March 1, 1955, PART 82. BOUNDARY LINES OF INLAND WATERS, the Commandant published regulations as follows:

Section 82.1 states,

"The waters inshore of the lines decribed in this part are 'inland waters' * * *. The waters outside of the line described in this part are the high seas * * *.

Sections 82.95 and 82.103 of said PART 82 describe said lines as follows:

"82.95 MOBILE BAY, ALA., TO MISSISSIPPI PASSES, LA.—Starting from a point which is located 1 mile, 90° true, from Mobile Point Lighthouse, a line drawn to Mobile Entrance Lighted Whistle Buoy 1; thence to Ship Island Lighthouse; thence to Chandeleuer Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the

Chandeleur Islands to the southwesternmost extremity of Errol Shoal (Lat. 29°35.8′ N., Long. 89°00.8′ W.); thence to Pass a Loutre Lighted Whistle Buoy 4."

"82.103 MISSISSIPPI PASSES, LA., TO SABINE PASS, TEX.—A line drawn from Pass a Loutre Lighted Whistle Buoy 4 to South Pass Lighted Whistle Buoy 2; thence to Southwest Pass Entrance Mid-channel Lighted Whistle Buoy; thence to Ship Shoal Lighthouse; thence to Calcasieu Pass Lighted Whistle Buoy 1; thence to Sabine Pass Lighted Whistle Buoy 1." (Emphasis added to show Louisiana Coast line.)

The line marking the coast line or seaward limit of the State's inland waters are shown on Charts 1267, 1270 and 1272 to 1279, inclusive, of the Coast and Geodetic Survey. There is attached hereto as "Interveners—Exhibit 1", a comprehensive C. & G. S. Chart showing the entirety of Louisiana's said coast line.

Louisiana's said coast line according to scale shown on these Charts measures about 397 miles, the same distance for the Louisiana coast line as stated by plaintiff in its memorandum dated March, 1956, at bottom of page 9.

The line marking the seaward limit of the State's inland waters, or the State coast line, also is in compliance with the definition of "coast line" in the Submerged Lands Act, Section 2 (c) copied above,

Said line marking the coast line or seaward limit of inland waters is also in compliance with prior Acts of Congress, such as USC 46:224 a:

"(12) Where used in this section—

"(a) The term "highseas" means all waters outside the line dividing the inland waters from the highseas, as defined in Section 151 of Title 33.

USC 33:151 also defines the term "highseas" to means "all waters outside the line dividing the inland waters from the highseas," (footnote 2, Brief in support of motion, supra.)

Section 4 of said Act, 67 Stat. 29, regarding SEAWARD BOUNDARIES provides:

* * * "Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its Constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress."

The boundary of the State of Louisiana, defendant, as described in its Constitution of 1812, prior to and at the time it became a member of the Union, and as approved by and again described in the Act of Congress of April 8, 1812, which admitted the State into the Union, is three leagues from coast in the Gulf of Mexico.

Nowhere in the State's original Constitution or in the Act of Congress admitting Louisiana as a State into the Union and fixing its boundary will any reference be found fixing its gulfward boundary as "3 miles" or as any distance from "shore"; but to the contrary the only gulfward boundary described therein is "3 leagues" from "coast."

Said 3 leagues from coast historic boundary of the State of Louisiana, defendant, as fixed by the Act of Congress admitting it as a State into the Union on April 8, 1812, has been adjudicated upon by this Court in **Louisiana v. Mississippi**, 202 U. S. 1, 26 S. Ct. 408, 416, as follows:

> "2. The state of Louisiana was admitted into the Union by the act of Congress approved April 8, 1812 (2 Stat. at L. 701, chap. 50), which commenced as follows:
>
> " 'Whereas, the representatives of the people of **all that part of the territory** or country **ceded** under the name of 'Louisiana' by the treaty made at Paris on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained **within the following limits**, that is to say: **Beginning at the mouth of the River Sabine; thence by a line to be drawn along the middle of said river,** including all islands, to the thirty-second degree of latitude; thence due north to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude to the River Mississippi; thence down the said river to the River Iberville; and from thence along the middle of the said river and Lakes Maurepas and Pontchartrain **to the Gulf of Mexico; thence bounded by the said gulf to the place of beginning** including all islands **within three leagues of the coast**; . . .' (Emphasis added, to show that the limits fixed were "within 3 leagues of the coast.")
>
> "Map of diagram No. 1, given in the opening statement, shows the limits as thus defined."

A reprint of this map of diagram No. 1 with a reprint of the map attached to Act 33 of 1954 on the same scale, marked diagram No. 2, is attached hereto, marked Interveners' Exhibit 2.

From an examination of these two maps, it will be seen that the outer boundary line, or gulfward limit of the State of Louisiana as shown in Diagram No. 1, held by this court to be a correct showing of the State limits as defined in the Act of April 8, 1812, compares with the outer gulfward boundary of Louisiana as shown on the map officially adopted by Act 33 of the 1954 Louisiana Legislature."

V

The facts and law regarding the historic gulfward boundary of the State of Louisiana, defendant, are given in Paragraph IV, above.

If by the allegations in Paragraph 5 of the complaint, the contention is made that at the time Louisiana became a member of the Union, the maritime boundary of the Union did not extend more than 3 geographic miles from the outer limit of inland waters, as indicated in plaintiff's memorandum of March, 1956, p. 3, that,

> "From its very beginning, this nation has held firmly to the principle that three miles is the proper limit for the extension of a nation's jurisdiction over the sea,"

such contention is unfounded and made without regard for the Treaty of Independence with Great Britain in April, 1783, the Second Article of which described the Atlantic boundary of the original coastal States as "20 leagues from shore", as shown by said Treaty and a contemporary map secured from the Library of Congress, bearing the legend, "An ACCURATE MAP of the UNITED STATES of America according to the Treaty of Peace of 1783", showing "The Twenty League Line," attached hereto as Interveners' Exhibit 3.

In 1823, this Court unanimously held, through Chief Justice Marshall, that by that Treaty which concluded the War of our Revolution, the boundaries of the United States were fixed in the Second Article, and Great Britain relinquished all claim, not only to the government but to the "propriety and territorial rights" which previously had been in Great Britain, definitely to these States, **Johnson v. M'Intosh,** 8 Wheat. @ 582; and that said Treaty was "the most solemn of all international acts", **Harcourt v. Gaillard** (1827) 12 Wheat. 523, 527.

It was this Treaty which prompted the framers of the Constitution to provide in Article VI, Clause 2, that, "all treaties made" are a part of the supreme law of the land. (69th Congress, 1st Session House Document No. 398, @ p. 618).

Plaintiff's contention that the State's boundary depends upon assertion by the United States of jurisdiction over the adjoining seas involving foreign relations, and depends upon "executive statements" fixing the national boundaries, does violence to the Constitution which vests the authority solely in Congress to admit new States into the Union and to fix their boundaries, and thereby to fix the national boundaries made up of member States.

The United States, plaintiff, and its legal representatives are bound by the provision of the United States Constitution, Article IV, Section 3, granting to Congress the exclusive authority to admit new States into the Union and to fix their boundaries, and by the Acts of Congress relative hereto, and no political agent, agency or department of the United States government has any legal right to assume any function

or authority with regard to the State's boundary contrary to the provisions thereof.

Said contention is further untenable in the face of a decision by the International Court of Justice on Dec. 18, 1951, (**United Kingdom v. Norway**), that such historic boundary fixed by lawful authority in 1812 constitutes historic title thereto.

Any present day political effort as alleged in the complaint to restrict the nation's extensive historic maritime boundaries, long since fixed by the 1783 Treaty and Acts of Congress admitting new coastal states into the Union, which would expose our coasts to easier enemy attack, is repelled by such outstanding historic facts and prior unanimous decisions of this Court.

VI

The matter of possession and ownership by the State of Louisiana of the submerged lands and resources within 3 leagues from coast in the Gulf of Mexico, are as set out in Paragraph IV, above, and the matter of an alleged accounting is answered in Paragraph III.

VII

As shown by Acts 32 and 33 of the 1954 Louisiana Legislature and Sections 2 and 3 of Title 49 of the La. Rev. Stats., which laws are binding on all State Agencies and officials, the State of Louisiana and Interveners, defendants, claim no right in the Gulf of Mexico, or the Continental Shelf therein, beyond 3 leagues from coast, and defendant has done nothing to interfere with any of the operations of plaintiff or

its lessees in the Outer Continental Shelf or the submerged lands thereof lying seaward and outside of the area defined in Section 2 of the Submerged Lands Act. Copies of said Acts are annexed hereto as "Interveners —Exhibits 4 and 5".

Said Act 33 of 1954 amending the State Revised Statutes Title 49, Section 1, simply redefined the State's historic boundary, 3 leagues from coast, as fixed by the Acts of Congress of April 8, 1812, and accepted and approved its coast line, or **"the line"** marking the seaward limit of its inland waters as designated and defined by the federal government under applicable Acts of Congress of 1807 and 1895, as amended.

Sections 2 and 3 of said Title 49 and Section 1101 of Title 9, provide that the State of Louisiana owns all submerged lands and resources within its boundary, subject to all constitutional powers of the United States.

To the contrary, without any legal right or authority so to do, and in violation of all applicable Acts of Congress above referred to, and since the effective date of the Submerged Lands Act, agencies of the United States, plaintiff, have persisted in interfering with and obstructing the defendant State in its orderly and effective operations for mineral development of the submerged lands of the State of Louisiana within 3 leagues from coast in the Gulf of Mexico, and in fact also inside of its coast line or the line marking the seaward limit of its inland waters, as designated and defined by the United States Government under applicable Acts of Congress, and they have granted mineral leases thereon, as shown by photostatic copies of Department of Interior maps hereto annexed and marked,

"Interveners—Exhibits 6 to 13, incl.", all to the irreparable loss and damage of the defendant State and Interveners.

VIII

NO PARAGRAPH VIII

IX

Plaintiff's contention that the "fundamental question" in issue is the width of the marginal sea within the jurisdiction of the United States which involves inquiry into and application of its foreign policy, is negatived by the Submerged Lands Act which retains all powers in the United States over foreign policy, national defense, etc., in the submerged land areas, within the State's boundaries as follows:

> "Sec. 6. **Powers Retained By The United States.**—(a) The United States retains all its navigational servitude and rights in and powers of regulation and control **of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense** and **international affairs,** all of which shall be **paramount to, but shall not** be deemed **to include, proprietary rights of ownership,** or the rights of management, administration, leasing, use, and development of the lands and natural resources **which are specifically recognized, confirmed,** established, and vested in and assigned **to the respective States** and others by section 3 of this Act."

Contrary to the plain provisions of the above Act of Congress and the decision of this Court holding said Act to be constitutional legislation beyond judicial review, on March 15, 1954, **Alabama v. Texas, et al,** and **Rhode Island v. Louisiana, et al.,** 347 U. S. 272, it is the evident purpose of the complaint in this action to curtail the historic boundary of the defendant State as a subterfuge to claim rights of ownership in the name of the United States to such property within the State's historic boundary.

Instead of the fundamental question in issue being the application of foreign policy to the marginal sea, the fundamental issue may well be whether the political agencies of the United States can succeed at this late date, (145 years after Congress admitted the defendant State into the Union and fixed its boundary on April 8, 1812), in changing the historic boundary of a State of the Union to nationalize its property, in violation of the United States Constitution, the Acts of Congress pertaining thereto, and the legal rights and sovereignty of the State, and its people.

SECOND DEFENSE

I

Interveners have a legal interest in property and funds subject to distribution and disposition by judgment and orders of court in this action, consisting of a 10% royalty interest in all royalties to which the State of Louisiana may be entitled out of minerals produced within their respective Parish boundaries, which are co-extensive with the boundaries of the State of Louisiana at issue in this action; and applicants likewise are entitled to their portion of said

funds withheld by plaintiff which are subject to distribution and disposition by judgment and orders of court in this action.

II

Applicants are entitled to a maximum of $200,000.00 from State severance taxes collected from the production of oil, gas and sulphur produced within their respective boundaries, including the State's gulfward boundary therein in issue here.

III

Applicants, under the Constitution and Laws of the State of Louisiana, exercise delegated portions of the right of State government and sovereignty, and have the legal right to impose ad valorem taxes on all taxable property within their boundaries (including their portion of defendant's gulfward boundary at issue in this action), for local government purposes in their respective subdivisions of the State, including civil and criminal courts, sheriffs and peace officers, assessors and tax collectors, and the construction, maintenance and operation of courthouses, school houses, other public buildings, roads, bridges, sewerage and drainage works and other permanent public improvements, title to which shall be in the public.

WHEREFORE, Interveners-defendants pray that, after evidence received on the trial on the merits and due proceedings had in this action, there be judgment in favor of defendant, the State of Louisiana, and In-

terveners-defendants, decreeing said State to have title to and ownership of the lands beneath its navigable waters extending from its coast line 3 marine leagues into the Gulf of Mexico, and the natural resources within such lands and waters, and the right and power to manage, administer, lease, develop and use said lands and natural resources in accordance with applicable State law, subject to the constitutional authority of the United States, plaintiff, over said lands and waters for the purpose of navigation, interstate and foreign commerce, national defense, and international affairs, and that plaintiff and its agents, officers and employees be enjoined from interfering with the peaceful management, control, development and use of said rights, property and natural resources; and that plaintiff, through its proper officers, be required to account to the State of Louisiana for all minerals and other things of value taken therefrom, and for all sums of money received from said submerged lands and minerals, whether from cash bonuses, rentals, and royalties and other payments, in which Interveners have a property right as provided by the Constitution and laws of the State of Louisiana.

Interveners-defendants further pray for all further orders and decrees as the nature of this action

may require and for full, general and equitable relief of defendant and Interveners, all in accordance with law.

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners,

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners,

BERTRAND DE BLANC, District Attorney and Counsel for Interveners,

FRANK LANGRIDGE, District Attorney and ex-Officio Attorney for Parish of Jefferson and Counsel for Interveners,

FRANK J. LOONEY,
Of Counsel.

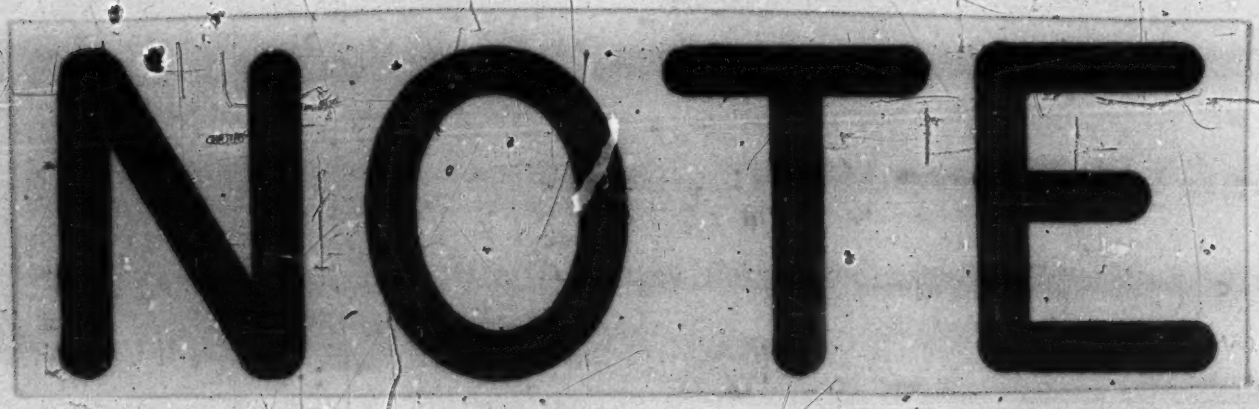
February, 1957

PROOF OF SERVICE

I, Leander H. Perez, one of the attorneys for interveners-defendants herein, and a member of the Bar of the Supreme Court of the United States, certify that on the_____day of February, 1957, I served copies of the foregoing Motion of Leave to file Intervention, Brief in support of Motion, and Interveners' Answer by leaving copies thereof at the offices of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C., and by mailing same to the Attorney General of Louisiana, his office, State Capitol Baton Rouge, La., and to the other attorneys of record for the State of Louisiana at their addresses shown on the State's Answer.

_____

Of Counsel


NOTE

Note

Exhibits at the rear of the foregoing brief appear on Cards 8 through 11. Most of the maps and charts are rather sad photostatic reproductions which defy legibility. We include them anyway.

---Cameraman

RESOLUTION

(a)

WHEREAS, this Parish will be affected and bound by any final decision rendered by the United States Supreme Court in the suit of the United States vs. the State of Louisiana, No. 11 on the Original Docket of said Court, October Term 1956, and this Parish has the right to intervene in said cause to represent and protect its substantial interests;

THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of St. Bernard as the Governing Authority of said Parish, that its President, Henry C. Schindler, Jr., be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the suit of the United States of America vs. State of Louisiana, No. 11 on the Original Docket of the United States Supreme Court, October Term, 1956, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the financial interest of this Parish to its ten percent of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by Section 21 of Article X and Section 2 of Article IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

I HEREBY CERTIFY the above and foregoing to be a true and correct copy of a RESOLUTION unanimously adopted by the St. Bernard Parish Police Jury at a meeting regularly held at Chalmette, La., on January 18, 1957, 1957, with a quorum present and voting in favor thereof:

SECRETARY

R E S O L U T I O N

(B)

WHEREAS, this Parish will be affected and bound by any final decision rendered by the United States Supreme Court in the suit of the United States versus the State of Louisiana, No. 11 on the Original Docket of said Court, October Term 1956, and this Parish has the right to intervene in said cause to represent and protect its substantial interests;

THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Plaquemines as the Governing Authority of said Parish, that its President, Emile Martin, Jr., be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the above entitled and numbered cause, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the Constitutional interest of this Parish to its ten percent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by Section 21 of Article X and Section 2 of Article IV, respectively, of the State Constitution;

FURTHER RESOLVED, that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization, and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

I hereby certify the above and foregoing to be a true and correct copy of a resolution adopted by the Plaquemines Parish Police Jury at a meeting held at Pointe-a-la-Hache, Louisiana, on Wednesday, January 9, 1957.

O. Plaisance

Secretary

(C)

On motion of Mr. Holtgreve, seconded by Mr. Pertuit, the following resolution was adopted:

R E S O L U T I O N

WHEREAS, the legal rights and financial interests of this Parish will be affected by any final decision rendered by the United States Supreme Court in the suit of the UNITED STATES OF AMERICA V. STATE OF LOUISIANA, NO. 11 on the Original Docket of said Court, October Term 1956, and, therefore, this Parish has a right under the Rules of Procedure of said Court to intervene in said cause; THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Jefferson, as the Governing Authority of said Parish, that its President, LeRoy L. Hall, be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the suit of the UNITED STATES OF AMERICA V. STATE OF LOUISIANA, NO. 11 on the Original Docket of said Court, October Term 1956, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the Constitutional interest of this Parish to its ten percent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by SECTION 21 of ARTICLE X and SECTION 2 of ARTICLE IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

I HEREBY CERTIFY the above and foregoing to be a true and correct copy of a RESOLUTION unanimously adopted by the Jefferson Parish Police Jury at a meeting regularly held at Gretna, La., on January 9, 1957, with a quorum present and voting in favor thereof:

Ficah J. Lemmon
SECRETARY

Police Jury Iberia Parish

J. K. Darnall
PRESIDENT
MARCUS DE BLANC
SECRETARY AND TREASURER

NEW IBERIA, LA.

AN EXTRACT OF THE MINUTES OF THE POLICE JURY OF IBERIA PARISH, LOUISIANA, TAKEN AT A REGULAR MEETING HELD ON THURSDAY, JANUARY 10, 1957, AT TWO O'CLOCK P. M.

It was moved by Mr. Louis Decuir, seconded by Mr. Robert J. Miranda, and unanimously carried:

WHEREAS, the legal rights and financial interests of this Parish will be affected by any final decision rendered by the United States Supreme Court in the suit of the UNITED STATES OF AMERICA VS. STATE OF LOUISIANA, No. 11 on the Original Docket of said Court, October Term 1956, and, therefore, this Parish has a right under the rules of procedure of said Court to intervene in said cause; THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Iberia as the Governing Authority of said Parish, that its President, J.K. Darnall, be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the above entitled and numbered cause, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the Constitutional interest of this Parish to its ten percent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by SECTION 21 of ARTICLE X and SECTION 2 of ARTICLE IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

ATTEST: A true and correct copy of original resolution adopted by the Police Jury of Iberia Parish, at a regular meeting held on Thursday, January 10,1957.

IN FAITH WHEREOF I have hereunto set my hand and the official seal of the Police Jury of Iberia Parish, this 18th day of January, 1957.

Marcus De Blanc
Secretary-Treasurer, Police Jury of Iberia Parish, Louisiana.

(E)

The following resolution was introduced by Mr. Levy, who moved its adoption; the motion was seconded by Mr. Luke and Mr. Barras and unanimously carried.

RESOLUTION

WHEREAS, the legal rights and financial interests of this Parish will be affected by any final decision rendered by the United States Supreme Court in the suit of the UNITED STATES OF AMERICA VS. STATE OF LOUISIANA, No. 11 on the Original Docket of said Court, October Term 1956, and, therefore, this Parish has a right under the rules of procedure of said Court to intervene in said cause;

THEREFORE, BE IT RESOLVED, by the Police Jury of the Parish of St. Mary as the Governing Authority of said Parish, that its President, Joseph J. Cefalu, be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the suit of the UNITED STATES OF AMERICA VS. STATE OF LOUISIANA, No. 11 on the Original Docket of said Court, October Term 1956, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the financial interest of this Parish to its ten precent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by SECTION 21 of ARTICLE X and SECTION 2 of ARTICLE IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

* *

I, MAY BELLE B. HIEMSTRA, Secretary-Treasurer of the Police Jury of the Parish of St. Mary, hereby certify the above and foregoing to be a true and correct copy of a resolution unanimously adopted by the St. Mary Parish Police Jury at a meeting held at Franklin, Louisiana, on January 9th, 1957, with a quorum present and voting in favor thereof:

May Belle B. Hiemstra

MAY BELLE B. HIEMSTRA
SECRETARY-TREASURER
ST. MARY PARISH POLICE JURY

1/15/57

No. 1007

98° 97° 96° 95° 94° 93° 92°

GULF OF MEXICO

SOUNDINGS IN FATHOMS
HEIGHTS IN FEET

(For offshore navigation only.)

Compiled from larger scale charts issued by the U. S. Coast and Geodetic Survey, Hydrographic Office, U.S.N., the British Admiralty and American Congressional Society.

ABBREVIATIONS (For complete list of symbols and abbreviations see U. S. C. & G. S. Chart No. 1)

Lights: F. fixed, Fl. flashing, Gp. group, I. Oc. interrupted quick, Oc. occulting, Alt. alternating, Int. interval, m. minutes, nM. nautical miles, sec. seconds, WHFS. synchr. Oc. isophase, AERO. aeromarine or type, Dest. destroyed, U. destroyed, color unidentified.

Buoys: C. can, N. nun, S. spar, B. black, R. red, W. white, Y. yellow, ref. reflector, temp. temporary buoy.

Light: unless otherwise indicated

Ra. daybeacon, R. red, W. white, R. TR. radio beacon

C.G. Coast Guard Station, R.Ra. radiobeacon, U.S. diaphone, fog signal, R. Rep. radio range

Cl. clay, Co. coral, G. gravel, Gn. green, M. mud, Rk. rock, S. sand, Sh. shells, Sn. shale, St. stones, Sy. sticky, Wd. weed, br. brown, bl. blue, gn. green, gy. grey, r. red, wh. white, y. yellow, Dr. coarse, fine, hard, rky. rocky, stf. stiff, soft, stk. sticky

23. Wreck, rock or obstruction except those on the depth curves

(23) Rocks that cover and uncover, with height in feet above datum of soundings

P.D. position doubtful, U.D. existence doubtful, Abnd. abandoned, P.A. position approximate

CAUTION

Temporary changes in aids to navigation are not indicated on this chart. Mariners are requested to report all defects in aids to navigation to the Commander of the District in which they are observed.

GULF STREAM CURRENTS

From investigations by the Coast and Geodetic Survey in 1885, 1886 and 1887.

The direction and velocity of the current are indicated at each station by arrows, the long arrows indicating maximum and the short arrows minimum velocity. Normal Chart Depth.

Locality	Time of slack water before Greenwich transit	
	h.	m.
East of Dry Tortugas, Florida	0	00
South of Egmont Shoal, Florida	4	45
Between Cuba and Cape Catoche, Mexico	5	30

INTERVENERS' EXHIBIT "1"

(F)

ABBREVIATIONS (For complete list of symbols and abbreviations used, see U.S.C. & G.S. Chart No. 1)

Lights: F. fixed, Fl. flashing, Qk. quick, I. Qk. interrupted quick, Occ. occulting, Alt. alternating, (Col. group) W. white, R. red, G. green, M. nautical miles, ins. seconds, sec. seconds, (T) sector, RBW. obscured, WHAS. kilnlite, DIA. diaphone, AERO. aeromarine light, Ref. reflecting, D. destroyed, (U.) unwatched.

Buoys: C. can, N. nun, S. spar, B. black, R. red, W. white, Y. yellow, RW. red and white, RR. reflector, T.B. temporary buoy.

Lights are white unless otherwise indicated.

Ra. daybeacon, R. ring, W. tower, R.Tr. radio tower.

C.G. Coast Guard Station, R.Bn. radiobeacon, D.F.S. distance finding station, R. Bcn. radio beacon.

Cl. clay, Co. coral, G. gravel, Gn. green, M. marl, Pk. rock, S. sand, Sh. shells, Bk. black, Br. brown, Bu. blue, Gn. green, O. or Or. red, Wh. white, Y. yellow, Dr. orange, Gy. and Sand. ray, rocky, sft. soft, stk. sticky.

23 Wreck, rock or obstruction except those on the depth curve(s).

(23) Rocks that cover and uncover, with the depth in fathoms above datum of soundings.

P.D. position doubtful, E.D. existence doubtful, Obstr. obstruction, P.A. position approximate.

CAUTION

Temporary delays to ships in navigation are not indicated on this chart except where a buoy replaced is known still out of position. Mariners

GULF STREAM CURRENTS

From investigations by the Coast and Geodetic Survey in 1932, 1933 and 1937.

The direction and velocity of the current are indicated at stations by arrows, the long arrows indicating the strongest current, and the short arrows moderate velocity. Figures show knots.

Location of Current Stations	Velocity of current (knots)
East of Florida Keys to Havana	2 to 3
South of Florida Keys to Havana	1 to 2
Between Florida Keys and Cuba	1 to 2

M I S S I S S I P P I

MOBILE

L O U I S I A N A

NEW ORLEANS

M E X I C O

O F

INTERVENERS' EXHIBIT "1"

(G)

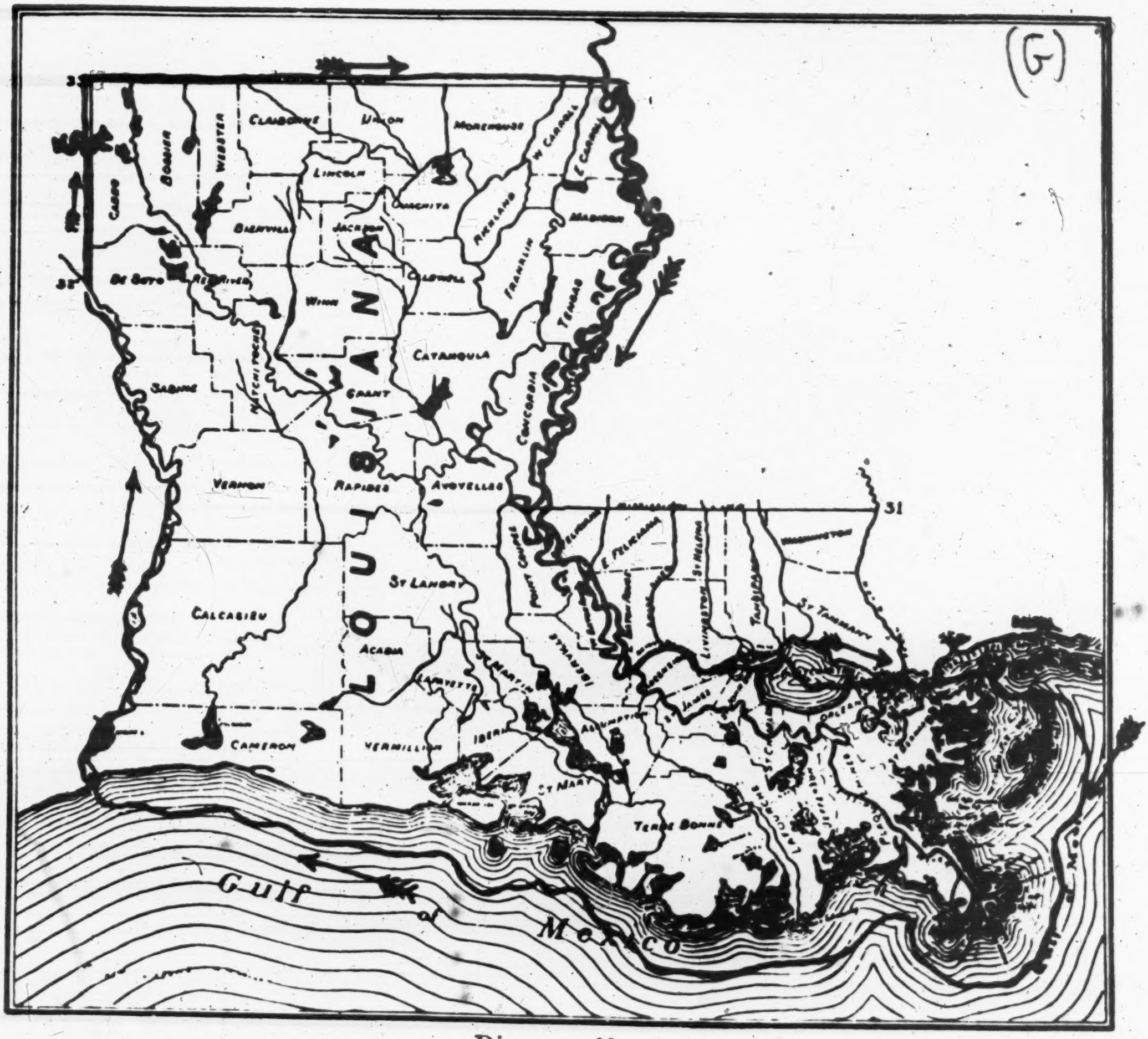


Diagram No. 1.

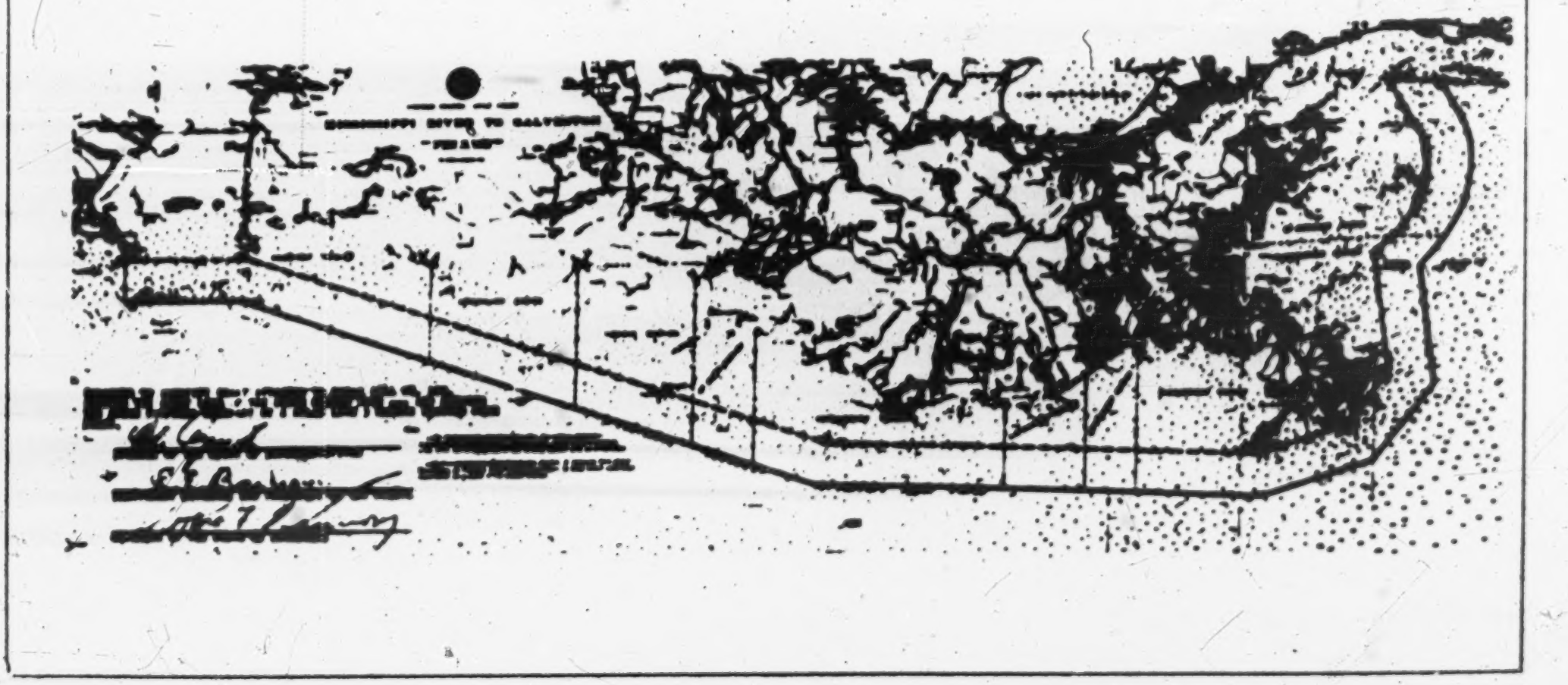


Diagram No. 2.

INTERVENERS' EXHIBIT "2"

HOUSE BILL NO. 167

BY: MESSRS. GRAVOLET, MERAUX, BEESON, GUIDRY, SOIGNET, DUPONT, AYCOCK, GRIZZAFFI, DECUIR, LANDRY AND DYSON

Act #32

AN ACT

To define the gulfward boundary of the coastal Parishes of the State of Louisiana, and to repeal any laws or parts of laws in conflict herewith.

Section 1. Be it enacted by the Legislature of Louisiana, that the gulfward boundaries of the coastal Parishes of the State of Louisiana situated east of the Mississippi River extend from the outer land terminus of their common boundary due east, true bearing, to the outer gulfward boundary of the State of Louisiana, and the gulfward boundaries of the coastal Parishes situated west of the Mississippi River extend from the outer land terminii of their common boundaries due south, true bearing, to the outer gulfward boundary of the State of Louisiana, and the gulfward boundary of all said coastal Parishes extend coextensively with the gulfward boundary of the State of Louisiana.

Section 2. That the interior or inland boundaries of all coastal Parishes shall remain as now existing or fixed by applicable State laws.

Section 3. That all laws or parts of laws in conflict herewith be repealed.

Lee Leverich
SPEAKER OF THE HOUSE OF REPRESENTATIVES

C. E. Barham
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Robert F. Kennon
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: June 21st 1954
at 2:25 P.M.

Certified by the Governor as Emergency Legislation.

5/27/54
date

Wade O. Martin, Jr.
Secretary of State

INTERVENERS' EXHIBIT "4"

(J)

HOUSE BILL NO. 190

BY: Messrs. Gravolet, Meraux, Beeson, Guidry, Soignet, Dupont, Aycock, Grissaffi, Jecuir, Landry and Dyson

ACT #33 AN ACT

To amend and re-enact Section 1 of Title 49 of the Louisiana Revised Statutes of 1950 relative to state water boundaries; gulfward boundary.

Whereas, under authority of Section 3 of Article IV of the United States Constitution, the United States Congress admitted Louisiana as a State into the Union in April, 1812, and fixed its gulfward boundary at 3 leagues from coast.

Whereas, in compliance with Acts of Congress of February 10, 1807, 2 Stat. 413, and of February 19, 1895, 28 Stat. 672, 33 U. S. C. 151, the coast line of the State of Louisiana was officially designated and defined by bearings, light-houses, buoys and coast objects, as shown in Section 1 herein;

Whereas, the United States Supreme Court has held that the waters inside of the coast line designated and defined under said Act of February 19, 1895, are "as much a part of the inland waters of the United States within the meaning of this Act as the harbor within the entrance" and another Federal Court held that said Act "was for the purpose of defining the inland waters of the United States."

Whereas, the United States Congress, by its "Tidelands" Act, approved May 22, 1953, 67 Stat. 32, recognized and confirmed State ownership of the lands beneath navigable waters within the State's boundaries, and the natural resources, including oil, gas, and all other minerals, and fish, shrimp, oysters, and other marine animal and plant life within such lands and waters; and said Tidelands Act adopted State boundaries in the Gulf of Mexico as they existed at the time such State became a member of the Union not more than 3 marine leagues into the Gulf of Mexico from the coast line, which "coast line" is defined in said Act as that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

Whereas, the State of Louisiana owns these submerged lands and natural resources within such land and waters in trust for its people, and the economic welfare of the State and the public services dependent upon the State revenues to be derived from these valuable natural resources require that the State's historic boundary be redefined to avoid confusion and to clarify the situation with regard thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 1 of Title 49 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 1. Gulfward boundary. The historic gulfward boundary of the State of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from coast.

The coast or coast line of the State of Louisiana is accepted and approved as designated and defined in accordance with applicable Acts of Congress, as follows: From Ship Island Lighthouse to Chandeleuer Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore

(K)

lines of the Chandeleuer Islands to the Southwesternmost extremity of Errol Shoal; thence to Pass-a-Loutre lighted whistle buoy 4 to South Pass lighted whistle buoy 2; thence to Southwest Pass entrance midchannel lighted whistle buoy; thence to Ship Shoal lighthouse; thence to Calcasieu Pass lighted whistle buoy 1; thence to Sabine Pass lighted whistle buoy 1, as designated and defined under authority of the Act of Congress of February 19, 1895, 28 Stat. 672, 33 U. S. C. 151 as amended, and as is shown on the attached chart showing the coast line of the State marked thus - - - and showing the State gulfward boundary by a solid line 3 marine leagues from coast, which chart shall be paraphed by the Speaker of the House of Representatives, the President of the Senate and by the Governor to be identified herewith.

Section 2. That all laws or parts of laws in conflict herewith be and they are hereby repealed with the exception that the designation on the attached plat of the common boundaries of the coastal parishes of the State of Louisiana shall not be taken or interpreted as in any manner changing or affecting the interior or inland boundaries of any said coastal parishes as now existing or fixed by applicable State laws, nor shall said plat be taken or construed, as intending to affect the common maritime boundary between this State and the States of Mississippi and Texas.

Section 3. The Governor having certified to the legislature during the session of the legislature the necessity for the immediate passage of this Act, this Act shall become effective upon approval thereof by the Governor.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: June 21st 1954
at 2:26 P.M.

Certified by the Governor as
Emergency Legislation.

5/27/54
Date

Wade O. Martin, Jr.
Secretary of State

INTERVENERS' EXHIBIT "5"

(H)

LOWER CANADA

UPPER CANADA

LAKE SUPERIOR

LAKE MICHIGAN

LAKE ONTARIO

NEW YORK

KENTUCKY

VIRGINIA

NORTH CAROLINA

SOUTH CAROLINA

GEORGIA

EAST FLORIDA

GULF OF MEXICO

ATLANTIC OCEAN

AN
ACCURATE MAP
of the
UNITED STATES
of
AMERICA,
according to the Treaty of Peace of
1783.

INTERVENERS' EXHIBIT "3"

(11)

UNITED STATES - GULF COAST

MISSISSIPPI RIVER TO GALVESTON

SOUNDINGS IN FATHOMS
AT MEAN LOW WATER

CAMERON PARISH

VERMILION PARISH

IBERIA PARISH

ST. MARY PARISH

TERREBONNE PARISH

MARSH I

LOUISIANA BOUNDARY

3 LEAGUES

Note:

Like this ——— indicates Boundary between inland waters and the sea, or coast line, established in accordance with Act of Congress of Feb. 19, 1895, 28 Stat. 672, as amended.

Like this ——— indicates State's 3 leagues from Coast Boundary, as fixed by Act of Congress of April 8, 1812, which admitted Louisiana as a State in the United States.

PARAPHED TO IDENTIFY CHART ATTACHED TO HOUSE BILL NO. 190, SHOWING THE COAST LINE OF THE STATE MARKED THUS ——— AND SHOWING THE STATE GULFWARD BOUNDARY BY A SOLID LINE 3 MARINE LEAGUES FROM COAST.

C. C. Lyons

SPEAKER OF THE HOUSE OF REPRESENTATIVES

C. E. Barham

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

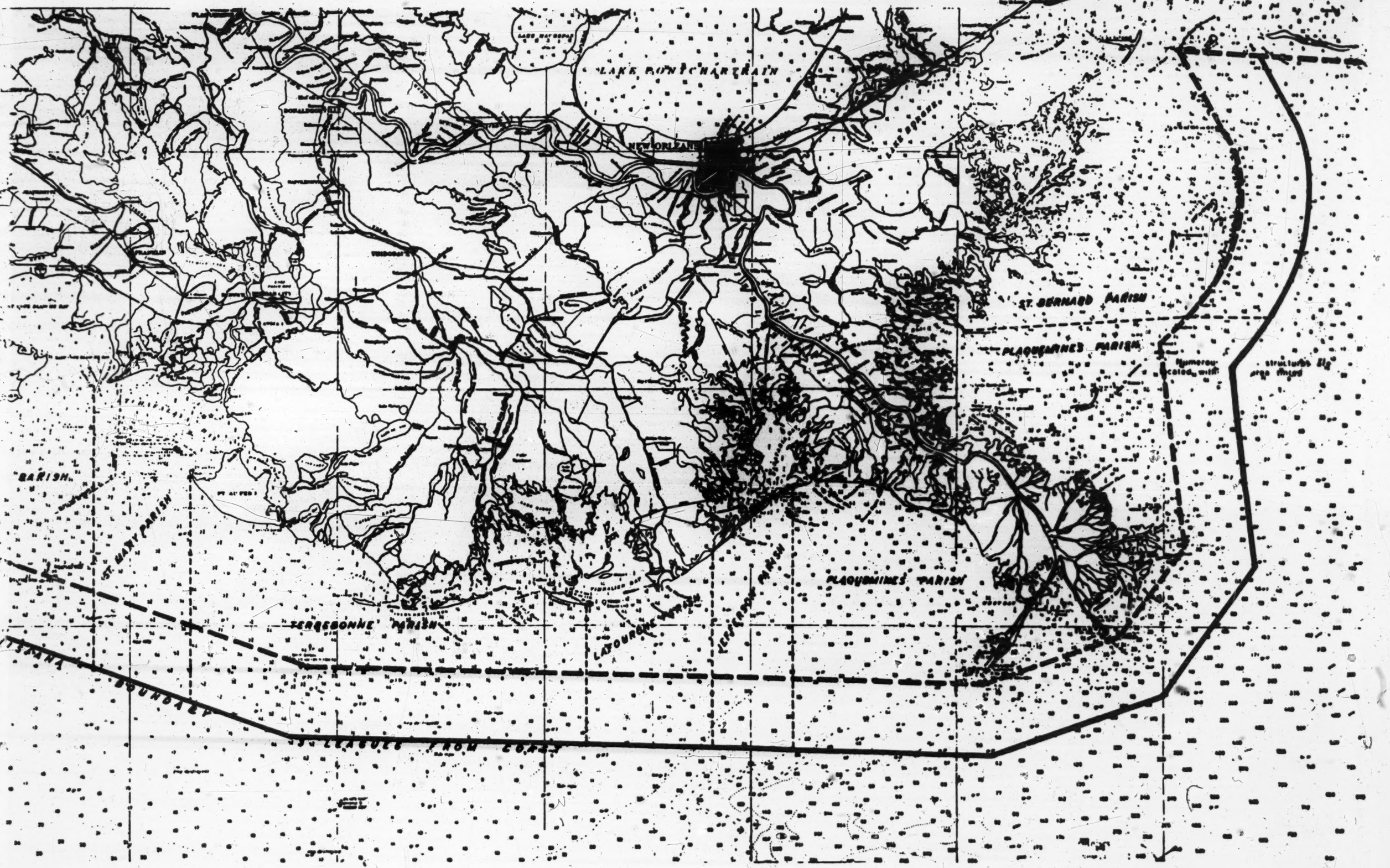
Robt. F. Kennon

GOVERNOR OF THE STATE OF LOUISIANA

102A

INTERVENERS' EXHIBIT "5"

(L)



INTERVENERS' EXHIBIT "5"

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

(M)

OUTER CONTINENTAL SHELF LEASING MAPS

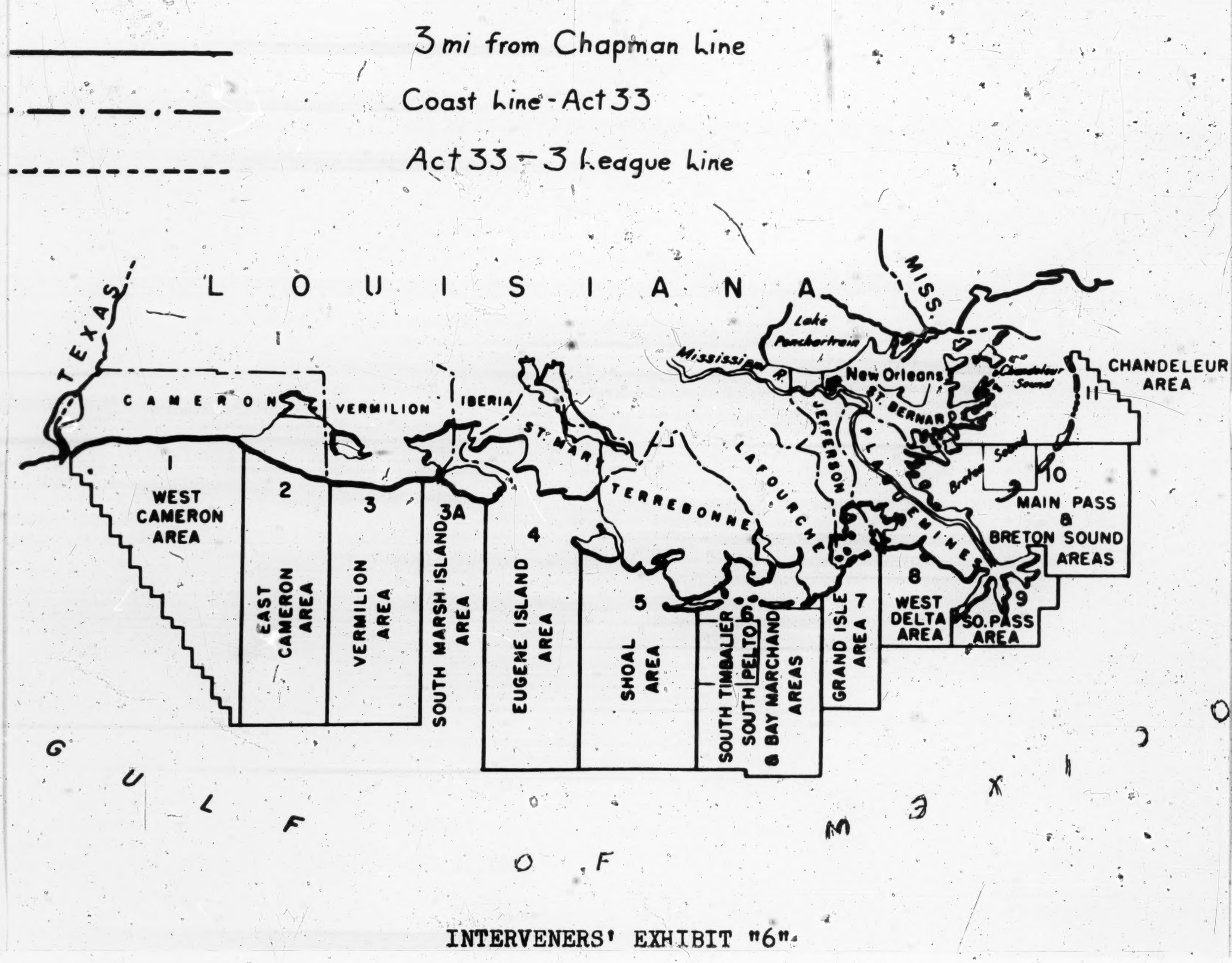
(LOUISIANA OFFSHORE OPERATIONS)

..... Chapman Coast Line

——— 3 mi from Chapman Line

—·—·— Coast Line - Act 33

- - - - - Act 33 - 3 League Line



INTERVENERS' EXHIBIT "6".

LA-MAP NO 1

(N)

CAMERON PARISH

25 + 26 Unit

This map, prepared in accordance with 43 C.F.R. 2011.3., is approved for use in leasing areas on the outer Continental Shelf

Director

Washington, D.C. June 8, 1964

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

WEST CAMERON AREA

SCALE 1 : 160,000

All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin = 2,000,000 at 91°20', and Y origin = 0.00 at 28°40'. The grid azimuths and coordinates of triangulation

WEST CAMERON AREA
SOUTH EXTENSION
(EAST)

LA. MAP NO. 2

(0)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

EAST CAMERON AREA

SCALE 1 : 80,000

39.53 = 54 Dec.

All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, use X origin = 2,000,000 at 91°20', and Y origin = 0.00 at 28°40'. The grid azimuths and coordinates of triangulation stations are as developed by the U.S.C.&G.S. and adopted by the Louisiana State Mineral Board.

Each regular block contains 5,000 acres. The areas of the irregular blocks are as indicated.

The light broken lines indicate the approximate depth of water in feet.

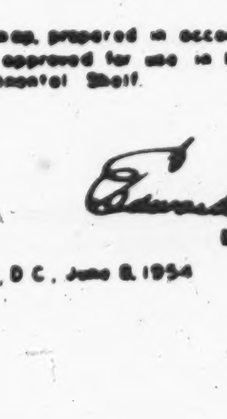
Base compiled from U.S.C.&G.S. charts 1278 and 1116.

This map, prepared in accordance with 43 CFR 2013, is approved for use in leasing areas on the outer Continental Shelf.

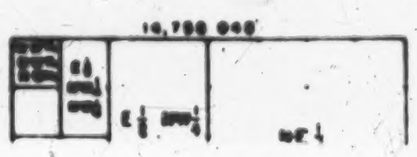
Director

Washington, D.C., June 8, 1954

Subdivision of blocks on Outer Continental Shelf



Typical method of subdivision of irregular blocks along coast boundary, each subdivision being an aliquot part of the total, based on mid-point subdivision throughout



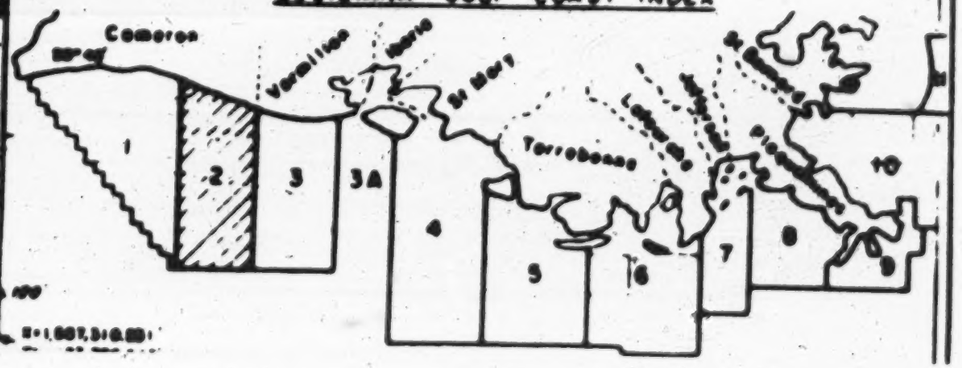
172	171	170	169	168	167	166	165	164
173	174	175	176	177	178	179	180	181
190	189	188	187	186	185	184	183	182
191	192	193	194	195	196	197	198	199
208	207	206	205	204	203	202	201	200
209	210	211	212	213	214	215	216	217
226	225	224	223	222	221	220	219	218
227	228	229	230	231	232	233	234	235

INTERVENERS' EXHIBIT "8"

Typical method of subdivision of irregular blocks along east boundary, each subdivision being an aliquot part of the total, based on mid-point subdivision throughout

Typical method of subdivision of a regular block, each subdivision being an aliquot part of the total, based on mid-point subdivision throughout

LOUISIANA GULF COAST INDEX



25 + 26 Cust

This map, prepared in accordance with 43 CFR 2013, is approved for use in leasing areas on the outer Continental Shelf

Director

Washington, D.C., June 8, 1964

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

WEST CAMERON AREA

SCALE 1 : 160,000

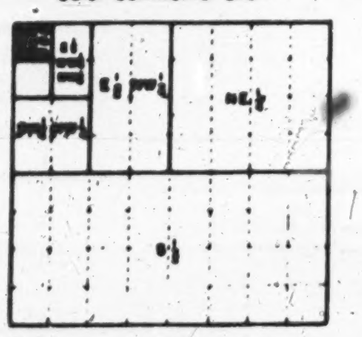
All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin = 2,000,000 at 91°20', and Y origin = 0.00 at 25°40'. The grid azimuths and coordinates of triangulation stations are as developed by the U.S.C.&G.S. and adopted by the Louisiana State Mineral Board.

Each regular block contains 5,000 acres. The areas of the irregular blocks are not indicated.

The light broken lines indicate the approximate depth of water in feet.

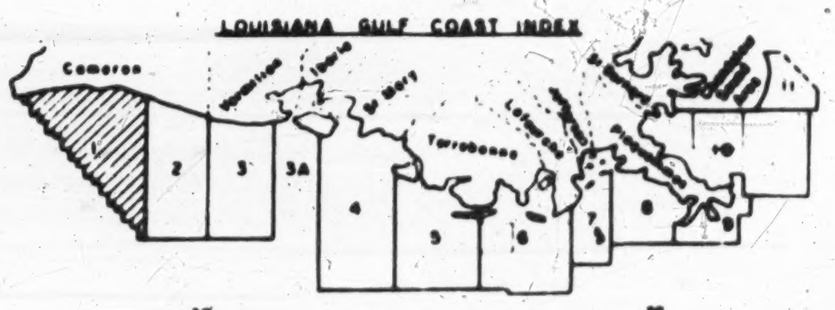
Base compiled from U.S.C.&G.S. charts 1278, 1279 and 1116.

Subdivision of blocks on Outer Continental Shelf



Typical method of subdivision of a block, each subdivision being an aliquot part of the total, based on mid-point subdivision throughout

LOUISIANA GULF COAST INDEX



CAMERON AREA
EAST
SOUTH

INTERVENERS' EXHIBIT "7"

LA-MAP No 1

VERMILION AREA

SCALE 1 : 160,000

21 Oct

All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin +2,000,000 at 91°20', and Y origin +0.00 at 28°40'. The grid azimuths and coordinates of triangulation stations are as developed by the U S C & G S and adopted by the Louisiana State Mineral Board.

Each regular block contains 5,000 acres. The areas of the irregular blocks are as indicated.

The light broken lines indicate the approximate depth of water in feet.

Base compiled from U S C & G charts 1277, 1278 and 1116.

This map prepared in accordance with 43 CFR 2013, is approved for use in leasing areas on the Outer Continental Shelf.

Director

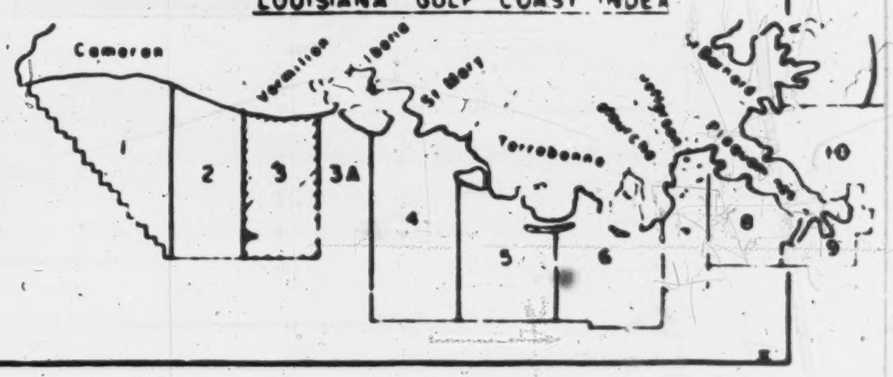
Washington D C June 8 1954

Geographic Grid revised June 25 1954

Subdivision of Blocks of Outer Continental Shelf

Typical method of subdivision of a block, each subdivision being an equal part of the total, based on mid-point subdivision throughout.

LOUISIANA GULF COAST INDEX



CAMERON AREA

SOUTH MARSH ISLAND AREA

EAST (TRUE) SOUTH

SOUTH (TRUE) SOUTH

INTERVENERS' EXHIBIT "9"

LA-MAP Nº 3

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

EUGENE ISLAND AREA

SCALE 1:60,000

Scale in Feet

40 + 5' Out

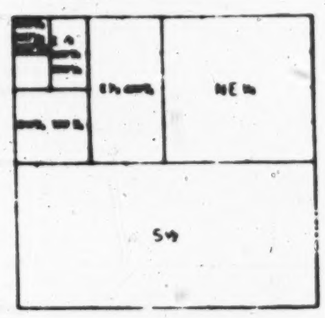
All blocks are based on the Louisiana Coordinate System, South Zone (NAD 27) projected on the Clarke 1866 spheroid. False Origin: 2,000,000 ft E and 0 ft N. Central Meridian 91° 20' 00" W. Latitude of Projection Origin 27° 50' 00" N. The grid azimuths and coordinates of the navigation stations are as developed by the U.S.C.&G.S. and adopted by the Louisiana State Mineral Board.

Each regular block contains 5,000 acres. The areas of the irregular blocks are as indicated.

The gas bracket was selected the approximate depth of water in feet.

Data compiled from U.S.C.&G.S. charts No. 276 and 1277.

Subdivision of blocks on Outer Continental Shelf



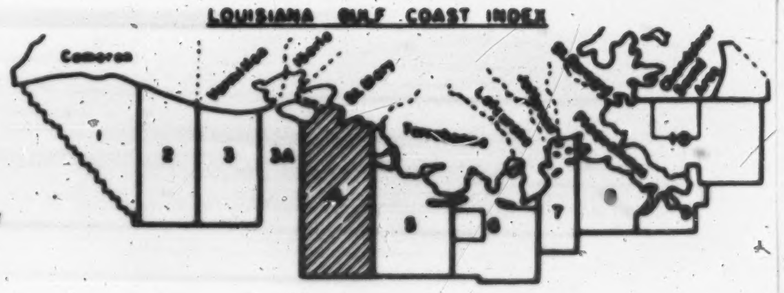
Typical method of subdivision of the blocks, each subdivision being an integral part of the total. Based on this same subdivision throughout.

This map, prepared in accordance with 43 CFR 2013, is approved for use in leasing areas on the Outer Continental Shelf.

Director

Washington, D.C., June 8, 1954

LOUISIANA GULF COAST INDEX



LA-MAP No. 4

INTERVENERS' EXHIBIT "10"

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

SHIP SHOAL AREA

SCALE 1 : 80,000

All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin 2,000,000 at 91°20' and Y origin 0.00 at 28°40'. The grid azimuths and coordinates of triangulation stations are as developed by the U.S.C.&G.S. and adopted by the Louisiana State Mineral Board.

Each regular block contains ± 5,000 acres. The areas of the irregular blocks are as indicated.

The right broken lines indicate the approximate depth of water in feet.

Base compiled from U.S.C.&G.S. charts Nos. 1276 and 1275.

This map, prepared in accordance with 43 C.F.R. 2013, is approved for use in leasing areas on the Outer Continental Shelf.

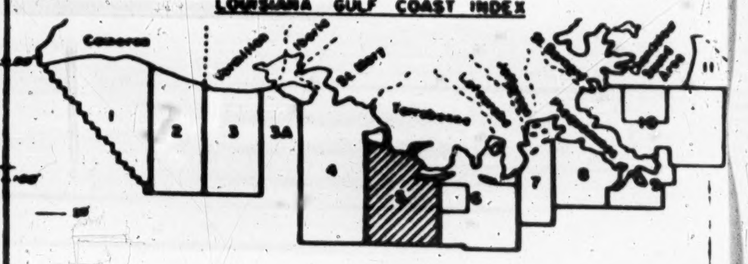
Director

Washington, D. C., June 8, 1954

Subdivision of blocks on Outer Continental Shelf

Typical method of subdivision of the blocks, each subdivision being an aliquot part of the total, based on the same pattern throughout.

LOUISIANA GULF COAST INDEX



A-MAP No. 5

64513

INTERVENERS' EXHIBIT "11"

LA-MAP No 3

(P)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

VERMILION AREA

SCALE 1 : 160,000

21 Oct

All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin =2,000,000 at 91°20', and Y origin =0.00 at 28°40'. The grid azimuths and coordinates of triangulation stations are as developed by the U S C & G S and adopted by the Louisiana State Mineral Board.

Each regular block contains 5,000 acres. The areas of the irregular blocks are as indicated.

The light broken lines indicate the approximate depth of water in feet.

Base compiled from U S C & G S charts 1277, 1278 and 1118.

This map prepared in accordance with 43 CFR 2013, is approved for use in leasing areas on the Outer Continental Shelf.

Washington, D C, June 8 1954

Director

Geographic Grid revised June 25 1954

Subdivision of Protracted Blocks of Outer Continental Shelf

(Q)

LA-MAP No 4

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

EUGENE ISLAND AREA

SCALE 1 : 60,000

Scale in Feet

"COVE"

"ISLAND"

"EASTER"

"END"

40 + 5' Out

A. Blocks are based on the Louisiana Coordinate System, South Zone, Lambert Conformal Conic projection, with origin at latitude 26° 30' N. and longitude 91° 20' W., false easting of 1,000,000 feet and false northing of 0.00 feet. The grid azimuths and coordinates of the triangulation stations are as developed by the U.S.C. & G.S. and adopted by the Louisiana State Mineral Board.

Each regular block contains 5,000 acres. The areas of the irregular blocks are as indicated.

The dot system used indicates the approximate depth of water in feet.

Data compiled from U.S.C. & G.S. charts 118, 276 and 1277.

Subdivision of Blocks on Outer Continental Shelf

NW | NE | SW | SE

Typical method of subdivision of the blocks, each subdivision being an official part of the total, based on nine equal subdivisions throughout.

This map, prepared in accordance with 43 CFR 2013, is approved for use in leasing areas on the Outer Continental Shelf.

Director

Washington, D.C., June 8, 1954

LOUISIANA GULF COAST INDEX

Cameron

LA-MAP Nº 5

(R)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

SHIP SHOAL AREA

SCALE 1 : 80,000

"DINGLEY"

All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin 2,000,000 at 91°20' and Y origin 0.00 at 28°40'. The grid azimuths and coordinates of triangulation stations are as developed by the U.S.C.&G.S., and adopted by the Louisiana State Mineral Board.

Each regular block contains 5,000 acres. The areas of the irregular blocks are as indicated.

The right broken lines indicate the approximate depth of water in feet.

Base compiled from U.S.C.&G.S. charts Nos. 1274 and 1275.

This map, prepared in accordance with 43 C.F.R. 2013, is approved for use in leasing areas on the Outer Continental Shelf.

Director

Washington, D.C., June 8, 1954

Subdivision of blocks on Outer Continental Shelf

Typical method of subdivision of the blocks, each subdivision being an aliquot part of the total, based on mid-point subdivision throughout.

LOUISIANA GULF COAST INDEX

LA MAP No. 6

This map prepared in accordance with 43 CFR 2013, is approved for use in leasing areas on the outer Continental Shelf.

Director

Washington, D.C., June 8, 1964

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

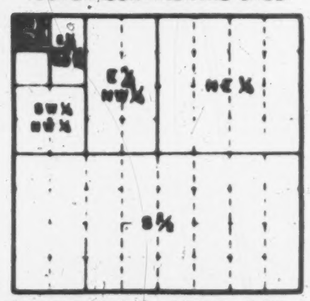
OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

SOUTH TIMBALIER SOUTH PELTO AND BAY MARCHAND AREAS

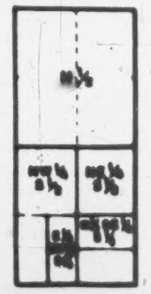
SCALE 1:100,000

NOTES: All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin = 2,000,000 at 29°30' and Y origin = 0.00 at 26°00'.
The grid azimuths and coordinates of triangulation stations are as developed by the U.S.C.&G.S. and adopted by the Louisiana State Mineral Board.
Each regular block contains 5000 acres. The areas of the irregular blocks are as indicated.
Base compiled from U.S.C.&G. charts 1110, 1273 and 1270.
The light broken lines indicate the approximate depth of water in feet.

SUBDIVISION OF BLOCKS
on the
OUTER CONTINENTAL SHELF

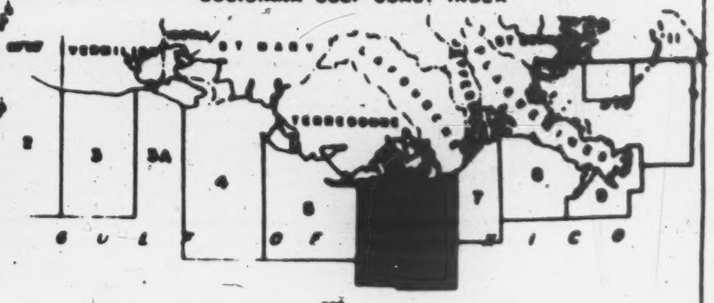


Typical method of subdivision of the blocks, each subdivision being an aliquot part of the total, based on aliquot subdivision throughout



Typical method of subdivision of irregular blocks along the east boundary of South Timbalier Area, each subdivision being an aliquot part of the total based on aliquot subdivision throughout

LOUISIANA GULF COAST INDEX



INTERVENERS' EXHIBIT "12"

LA-MAP Nº 8

(T)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)

WEST DELTA AREA

SCALE 1 '60,000

5000 0 5000 10000 20000 30000 40000

Scale in Feet

All blocks are based on the Louisiana (Lambert) Plane Coordinate System, South Zone, with X origin 2,000,000 at 91°20' and Y origin 000 at 28°40' The grid azimuths and coordinates of triangulation stations are as developed by the U.S.C. B.G.S. and adopted by the Louisiana State Mineral Board

Each regular block contains 5,000 acres The areas of the irregular blocks are as indicated

The light brown lines indicate the approximate depth of water in feet

Base compiled from U.S.C. B.G.S. charts 1272 & 1273

Subdivision of blocks on Outer Continental Shelf

Typical method of sub division of the regular blocks, each subdivision being an aliquot part of the total, based on mid point subdivision throughout

Typical method of sub division of the irregular blocks, 13,16,37 and 38, each subdivision being an aliquot part of the total, based on mid point subdivision throughout

77 to 80 Incl

LOUISIANA GULF COAST INDEX

This map, prepared in accordance with 43 C.F.R. Part 3, is approved for use in leasing areas on the Outer Continental Shelf

Washington, D.C., June 8, 1954

INTERVENERS' EXHIBIT "13"

LA-MAP Nº 8

68518

(Brief #26-(2))

HOWARD-TILTON MEMORIAL LIBRARY
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December 8, 1952

THIS IS TO CERTIFY that the attached photostat is an exact copy of the positive photostat in this Library of Nicolas de Fer's 1705 map of Los Costes aux Environs de la Riviere Misisipi.

Garland F. Taylor.
Garland F. Taylor
Director of Libraries

LES COSTES AUX ENVIRONS DE LA RIVIERE DE MISISIPI.

Decouverte par Mr de la Salle en 1683. et reconnues par Mr le Chevallier d'Iberville en 1698. et 1699. par N. de Fer, Geographe de Monseigneur le Dauphin. 1705.

COSTE DE LA FLORIDE

GOLFE DE MEXIQUE

Canal de Bahama

Isles de Bahama

Isle de Cuba

Nord

Desaguaderos

Rivieres que les Espagnols donnent pour route à la Baye de St Louis

Baye de St Louis ou Mr de la Salle a mis pied a Terre en prenant la Riviere de Lauuse pour le Misisipi et Bati ce Fort et.

Les trois Bastimens rapporterent plus la coste au vuidant de fond que

Les Anemis 3 Villages

Les Chitimachas 6 Villages

Les Oumas 1 Village

Les Bayogoulas 1 Village

Les Mocteboy 1 Village

Les Colapissa 1 Village

Les Houmas 1 Village

Les Acolapissa 3 Villages

Les Tangipaos 1 Village

Les Bilocchy 1 Village

Les Pensacolas 1 Village

Les Chacchumas 1 Village

Les Pascagoulas 1 Village

Les Biloxis 1 Village

Les Mongoulachas 1 Village

Les Capinans 3 Villages

Les Nahoas 1 Village

Les Naouspas 4 Villages

Les Taensas 1 Village

Les Natchez 3 Villages

Le sieur de la Salle est venu de la Baye de St Louis jusque a ce Village

Toutes ces Nations ont vn langage different et ne s'entendent presque point

Echelle.

cent dix lieues a 20 au Degré

Ligne du Tropique de Cancer

Pelotas Village

Casouls Village

Ranconada

Baye de St Joseph

Laguna Simas

Tampa R.

Tampique

Tamagua

Lauuse R.

Rio Palisado

Rio de la Palme

Rio de Buenavista

Rio de Mobile

Rio de Pascagoula

Rio de Perdido

Rio de Mississippi

Rio de Pensacola

Rio de Apalache

Rio de Escambia

Rio de Blackwater

Rio de Yellow

Rio de Perdido

Rio de Mobile

Rio de Tombecbe

Rio de Pascagoula

Rio de Chickasawhay

Rio de Pearl

Rio de Bayou Lacomb

Rio de Bayou Chitto

Rio de Bayou Bogue Falaya

Rio de Bayou Tchefuncte

Rio de Bayou Manchac

Rio de Bayou Iberville

Rio de Bayou Plaquemine

Rio de Bayou Lafourche

Rio de Bayou Terrebonne

Rio de Bayou Teche

Rio de Bayou Vermilion

Rio de Bayou Mermentau

Rio de Bayou Calcasieu

Rio de Bayou Sabine

Rio de Bayou Neches

Rio de Bayou Trinity

Rio de Bayou Galveston

Rio de Bayou Brazos

Rio de Bayou Colorado

Rio de Bayou Lavaca

Rio de Bayou Guadalupe

Rio de Bayou San Antonio

Rio de Bayou Nueces

Rio de Bayou Rio Grande

Rio de Bayou Rio Grande del Norte

Rio de Bayou Rio Grande del Norte

Rio de Bayou Rio Grande del Norte

(Brief #26 - (3)) A

LES COSTES AUX ENVIRONS DE LA RIVIERE DE MISISIPI.

Decouvertes par M.r de la Salle en 1683. et reconnues par M.r le Chevallier d'Iberville en 1698. et 1699. par N. de Fer, Geographe de Monseigneur le Dauphin 1701.

COSTE DE LA FLORIDE

GOLFE DE MEXIQVE

Canal de Bahama

Ligne du Tropique de Cancer

Echelle

10. 20. 30. 40. 50. 60. 70. 80. 90. 100. 110.

cent dix lieues a 20. au Degré

Vincent de Gineville Sculpsit

The Library of Congress, Washington, D. C.

I hereby certify that there is now in the collections of the Library of Congress a copy of the publication which is identified by the page reproduced above; and that the present and following pages are true photostat copies of

Mapp. 7 Les Costes aux Environs de la Riviere de Missisipi

of said copy. In testimony whereof I hereunto subscribe my name and cause the seal of the Library of Congress to be affixed hereon this 21st day of March 1957

Chief, Photoduplication Service

(Brief #26 (1))

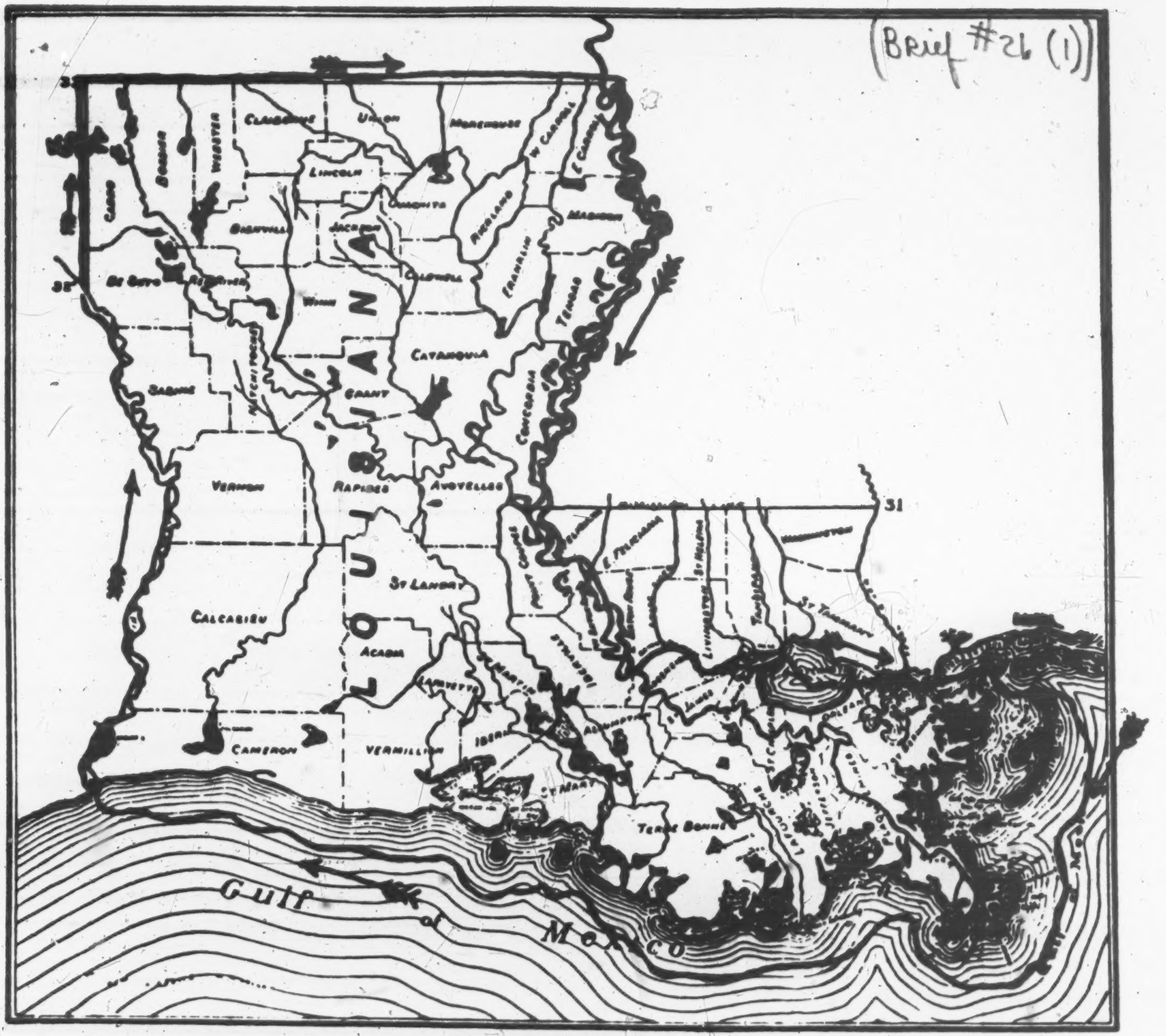


Diagram No. 1.

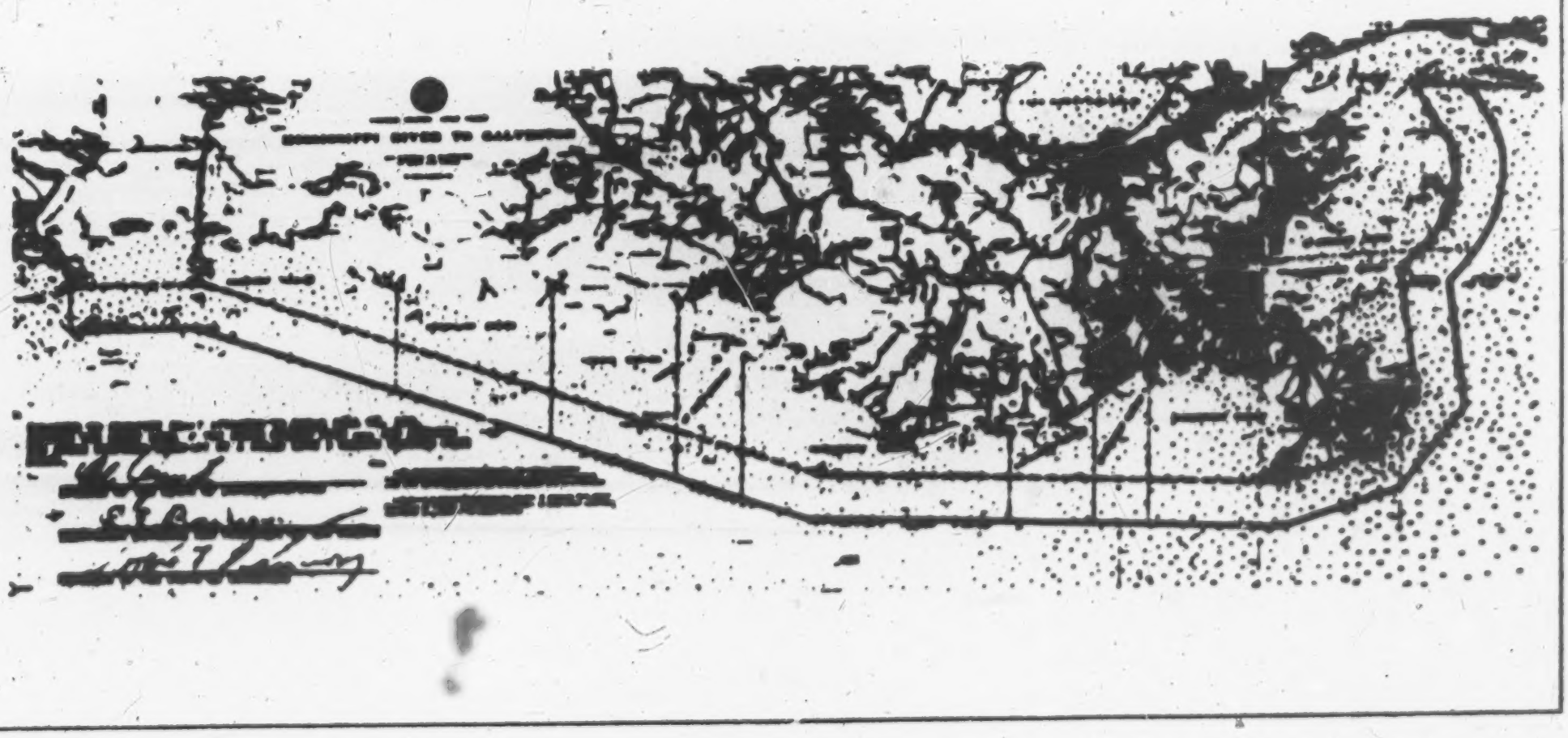


Diagram No. 2.

INTERVENERS' EXHIBIT "2"

DESCRIPTION DE LA DECOUVERTE DU MISSISIPI, *Par N. de Fer.*

Le Sieur Cavelier de la Salle, Natif de Rouen, S'embarqua a la Rochelle au mois de Iuillet 1678. et arriva en Septembre de la même année a Quebec: ou M.r de Frontenac étoit pour lors Gouverneur du Canada. Il remonta la Riviere de S.t Laurens, et arriva au mois de Fevrier 1680. a l'Embouchure de la Riviere des Illinois dans le Misisipi: et en partit le 3. Janvier 1683. le 7. Avril de la même année, il se trouva aprés vne tres penible Navigation, a l'Embouchure du Misisipi, au quel les Espagnols donnent le nom del Rio ascondido. cette Embouchure se trouva Selon M.r de la Salle entre le 22. et le 23. degré de latitude Sept.r aprés qu'il l'eut reconnüe, et Arboré les armes du Roy, le 11. Avril il remonta le même Fleuve, et repassa chez les memes Nations, qu'il avoit veües en allant: et arriva au mois de Septembre a Quebec. il en partit pour France au mois d'Octobre Suivant 1683. ou estant arrivé il obtint de la Cour ce qu'il voulut, et en partit le 24. Iuillet 1684. avec 4. vaisseaux et plus de 200. Hommes, Soldats, et Artisants. L'un de ces vaisseaux, aprés avoir eté battu d'vne rude Tempête, fut enlevé par quelques Fregues Espagnoles a la hauteur de S.t Domingue. le reste de cette petite Flotte fit descente dans Isle de Cuba, et y enleva quantité de Bled d'Inde, de Vin, d'Eau de Vie et de Sucre, apartenant aux Espagnols. S'estant remis en mer, les courant l'Obligerent a prendre terre a la Baye du S.t Esprit, 50. lieües au dessous du Misisipi: et deux jours aprés, ils reprirent le large, crainte des Bancs, et des Rochers: et allerent enfin a border avne Baye qu'on a depuis nommée de S.t Louis. le 18. Fevrier 1685. Elle est assé profonde et commode pour vn port: mais l'Abord est perilleux. vn des trois vaisseaux echoüa a l'entrée, Sur vn banc de Sable: on en Sauva l'equipage. et des deux qui resterent l'vn fut brisé contre vn Rocher dans le port: et M.r de Beaujeu qui comandoit ces Batiments S'en retourna en France avec l'autre. M.r de la Salle aprés avoir reconnu le païs, il batit vn Fort a l'Embouchure de la Riviere aux vaches: pendant le temps qu'on y travailloit, il courut le païs, pour trouver le Misisipi, et aprés vne perquisition de 15. jours il le trouva, et en prit encore vne fois la hauteur, et retourna a la Baye de S.t Louis, ou il trouva que les Sauvages et les Maladies luy avoient fait perdre grand nombre de Ses gens. il en couragea le reste a vivre en Paix, et a cultiver la Terre: et partit pour France en mars 1686. Il prit Son chemin par terre, a travers les Illionois: et comme les vivres leurs manqu'oient, les nommés Dan et Landelot, deux des avanturiers qui accompagnoient le S.r de la Salle, firent vne partie de chasse, dans la quelle ils engagerent le S.r Moranget neveu du S.r de la Salle, et le tuerent.

Le lendemain le S.r de la Salle en peine de Son neveu, le fut chercher: Landelot qui etoit a la fust pour l'Assasiner, luy tira vn coup de fusil, et luy mit trois bales dans la tete, dont il mourut vn moment aprés. Ses assasins S'emparent de tout Son Equipage — Il y avoit dans la troupe vn Anglois, et vn Allemand, qui quelques jours aprés demanderent a Landelot de quoy S'equiper: et Sur le refus qu'il fit de leur donner Satisfaction, l'Anglois luy tira vn coup de pistolet dans les Reins, qui le porta par terre vn Francois luy brula les cheveux d'vn autre coup, dont le feu Se communiqua a Sa chemise, et ce Malheureux expira dans les Flames. Dan voulut venger Son camarade mais l'Allemand luy cassa la tete d'vn coup de fusil dont il mourut Sur le champ.

Depuis l'Année 1686. M.r de Tonty et le Sueur ont fait plusieurs decouvertes, avec des Etablissements dans les terres le long des Rives du Misisipi, et des autres Rivieres qui S'y Joignent.

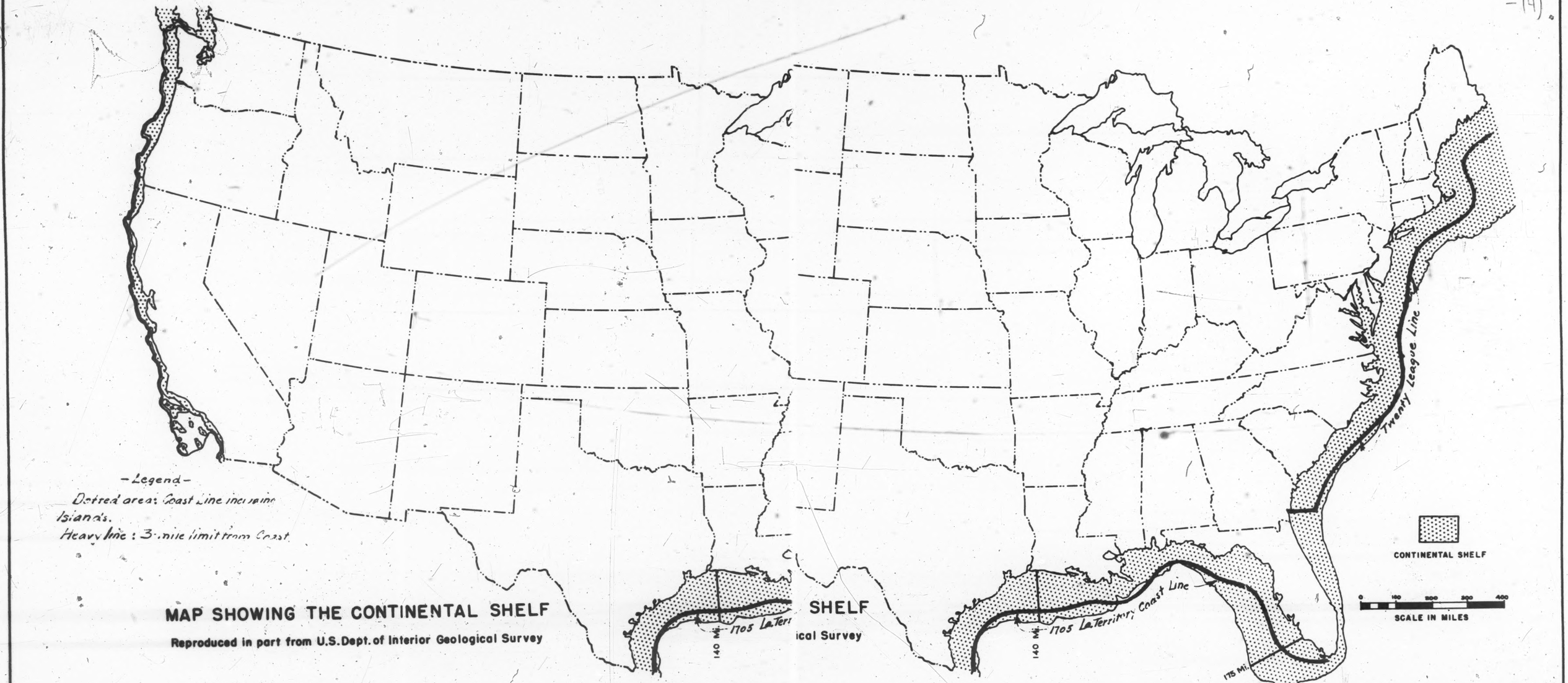
En 1698. au mois de Novembre M.r le Chevallier d'Iberville partit de la Rochelle, par ordre du Roy, avec deux Fregates, pour reconnoistre les Embouchures de ce grand Fleuve. Ce qu'il fit heurusement: et aprés avoir demeuré trois mois dans cette plage, et y avoir bati vn Fort a quatre bastions bien pourvu d'hommes et de munitions, Sur la Baye des Billoches, ou Biloxy 30 lieües a l'Est de ce Fleuve, il revint en France.

Il en repartit en Septembre 1699. et aprés deux mois de Navigation, il arriva au Fort des Billoches, qu'il trouva en fort bon etat. Pendant vne année entiere, qu'il a demeuré dans cette plage, il a reconnu parfaitement toute la Coste: il a remonté le Fleuve fort avant dans les terres: il a reconnu et fait alliance avec plusieurs Natrons: et pour prendre vne possession Sure de ce païs pour le Roy, il a bati vn Second Fort Sur la Riviere du Misisipi a 25. lieües de Son Embouchure.

INTERVENERS' EXHIBIT #15

(RWF #21-B)

(Brief 26 -14)



MAP SHOWING THE CONTINENTAL SHELF

Reproduced in part from U.S. Dept. of Interior Geological Survey

INTERVENERS' EXHIBIT "16"

SHELF
ical Survey
140 Mi.
1705 La. Territory Coast Line
INTERVENERS' EXHIBIT "16"